



David B. Cohen

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: October 10, 2006  
Land Use Action Date: December 6, 2006  
Board of Aldermen Action Date: December 18, 2006  
90-Day Expiration Date: January 8, 2007

**TO:** Board of Aldermen

**FROM:** Michael Kruse, Director of Planning and Development  
Nancy Radzech, Chief Planner  
Alexandra Ananth, Planner

**DATE:** October 6, 2006

**SUBJECT:** Petition #324-06 of DANCE FEVER, INC/RJ WELLS MANAGEMENT, LLC for a SPECIAL PERMIT/SITE PLAN APPROVAL for a for-profit dance school including a free-standing sign and waivers from interior landscaping of parking areas, lighting of same, driveway width, minimum width of maneuvering aisle(s), and parking setback(s) at 200 WELLS AVENUE, Ward 8, on land known as Sec 84, Blk 34A, Lot 2, containing approx. 87,120 sf of land in a district zoned LIMITED MANUFACTURING.

AND

Petition #325-06 THE RUSSIAN SCHOOL OF MATHEMATICS/RJ WELLS MANAGEMENT, LLC for a SPECIAL PERMIT/SITE PLAN APPROVAL for a for-profit mathematics school including a free-standing sign and waivers from interior landscaping of parking areas, lighting of same, driveway width, minimum width of maneuvering aisle(s), and parking setback(s) at 200 WELLS AVENUE, Ward 8, on land known as Sec 84, Blk 34A, Lot 2, containing approx. 87,120 sf of land in a district zoned LIMITED MANUFACTURING.

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### EXECUTIVE SUMMARY

The Russian School of Mathematics and Dance Fever Inc, seek to locate to the first floor of a commercial building previously used as office space at 200 Wells Avenue, within the Wells Avenue Office Park. Both petitioners are requesting an amendment to a special permit (BO #188-79) to allow for-profit educational uses within a Limited Manufacturing District and two freestanding signs. Additionally, both petitioners are seeking waivers from the parking requirements including dimensional waivers and number of required parking stalls. In conjunction with these special permit petitions, the petitioners are also seeking to amend the Deed Restriction governing the Wells Avenue Commercial Area (Docket #'s 324-06(2) & 325-06(2)). Though each school is separately seeking special permits and to amend the Deed Restriction, in order to avoid duplicity, the requested relief for each school is being treated in one memorandum.

## I. BACKGROUND

The site, situated at 200 Wells Avenue, is located in the Wells Avenue Office Park, a mature commercial and limited manufacturing office park dating back to the late 1960s. The site is subject to a special permit (BO #188-79), which allowed for the construction of the existing commercial office building and parking areas. *Properties in the Wells Avenue Office Park are also subject to a ninety-nine (99) year Deed Restriction (exercised by the City, in June of 1969) that imposes a number of conditions on the development and use of these properties.*

## H. ELEMENTS OF THE PETITION

The Russian School of Mathematics (RSM) specializes in the teaching of mathematics for grades K-12. RSM is a private for-profit school serving approximately 820 students per week from 3:30 p.m. to 9:15 p.m. on weekdays and from 9:00 a.m. to 5:00 p.m. on weekends. The school would be located in 5,424 sq. ft. of the westerly wing of the first floor. The school is currently located at 1345 Centre Street in Newton. In addition to their regular class schedule the RSM has a summer school with general hours from 3:30 p.m. to 8:30 p.m. and a summer day camp that operates from 8:30 a.m. to 5:30 p.m. *The petitioner should be expected to submit additional information including number of students attending the day camp prior to the Public Hearing.*

Dance Fever, Inc. (DFI) is a dance studio serving students ages 4 through adult. DFI is a private for-profit establishment serving approximately 372 students per week with classes typically offered weekday evenings after 6:00 p.m. (except for Wednesdays when classes are proposed to start as early as 5:15 p.m.) and during the day on Saturdays. DFI is currently located at 69 Wexford Street in the Town of Needham. DFI would be located in 5,424 sq. of the easterly wing of the first floor space. *Prior to the Public Hearing DFI should clarify if they run any programs separate from the classes mentioned above.*

While the above mentioned petitioners will occupy the entire first floor of the building and would maintain their offices at this location, the petitioners will seek to lease the second floor as commercial office space.

Each petitioner is seeking a Special Permit, to locate for-profit schools on the first floor of in the existing 2-story —22,000 sq. ft. building. The petitioners are also requesting a special permit for two free-standing signs located at each of the parking lots. Both petitioners are seeking waivers from the parking requirements including dimensional waivers and waivers to the number of required parking stalls. In addition to the Limited Manufacturing District requirements set forth under the City's Zoning Ordinance, properties located in the Wells Avenue Office Park are subject to a ninety-nine (99) year Deed Restriction that imposes a number of conditions on the development and use of these properties. *In addition to seeking a special permit, the petitioners are seeking a waiver of the use restrictions set forth in the Deed, therefore an amendment to the Deed Restriction will be required. The petitioners will also need an amendment or waiver to the Deed for the proposed free-standing signs.*

**HI. ZONING RELIEF BEING SOUGHT**

*Based on the Chief Zoning Code Official's written determination (SEE ATTACHMENT "A"), each petitioner is seeking relief from or approvals through the following sections of the Zoning Ordinance:*

- > *Section 30-5(b)(2) for approval of a for profit mathematics school/dance studio use in a Limited Manufacturing zone.*
- > *Section 30-19(m) for exceptions to the parking requirements including:*
  - *Section 30-19(d)(11), (13)&(16) for approval to waive the number of required parking stalls from 74 to 62 spaces for use by RSM, DFI, and office use.*
  - *Section 30-19 d)(11), (13)&(16) for approval to waive the number of required parking stalls from 72 to 62 spaces for use by RSM and office use in the event that only RSM is approved.*
  - *Section 30-19 d)(11), (13)&(16) for approval to waive the number of required parking stalls from 74 to 62 spaces for use by DFI and office use in the event that only DFI is approved.*
  - *Section 30-19(h)(3) Lot A – for approval of waiver to reduce the minimum aisle width from 24 ft. to 19.8 ft.*
  - *Section 30-19(j)(2)e) Lot A – for approval of waiver to install guardrail instead of curbing.*
  - *Section 30-19(h)(3) Lot B – for approval of waiver to reduce the minimum aisle width from 24 ft. to 23.6 ft.*
  - *Section 30-19(h)(1) Lot B – for approval of waiver to reduce the front setback from 25 ft. to 23.6 ft.*
  - *Section 30-19(h)(2)e) Lot B – for approval of waiver to reduce the end stall turn-out depth from 5 ft. to 3.5 ft.*
  - *Section 30-19(i)(1)a)(I)& 30-19(0(2) Lots A & B – for approval of waiver to the extent necessary to confirm and continue existing perimeter and interior landscaping.*
  - *Section 30-19(j)(1) Lots A & B – for approval of waiver to the extent necessary to confirm and continue existing lighting installation, and to allow reduced illumination below 1 ft. candle, to the extent necessary.*
- > *Section 30-20(0(9) and Section 30-20(0 for approval of two freestanding signs, one sign at parking lot "A" naming RSM, and one sign at parking lot "B" naming RSM, DFI, and providing panels for two additional business tenants.*
- > *Section 30-23 for approval of amendments to the use of the first floor from office to mathematics school and dance studio use, and for amendments to site, landscaping, and related plans referenced in BO 188-79, Conditions #3-6, to the extent necessary.*
- > *Section 30-24(d) for Special Permit Approval pertaining to for-profit mathematics school and dance studio, and amendments to BO# 188-79, to the extent needed.*
- > *Amendment to BO #188-79 for amendments to the use, site, landscaping, and related plans.*

#### **IV. SIGNIFICANT ISSUES FOR CONSIDERATION**

*In reviewing this petition, the Board of Aldermen should consider the following:*

- *Whether the proposed for-profit mathematics school and dance studio uses are appropriate for the site and this Limited Manufacturing Zoning District;*
- *Whether the proposed uses will have any adverse impacts on abutters and properties within the Wells Avenue Office Park;*
- *Whether the proposed hours of operation will have any adverse impacts on traffic flow along Wells Avenue and Nahanton Street;*
- *Whether, based on the schedule of the office use, mathematics school, and dance studio classes, the available parking is adequate to meet the demands of the facility during peak periods; and*
- *Whether the proposed freestanding signs are appropriate given the signage conditions in this Limited Manufacturing Zoning District.*

#### **V. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

##### **A. Site**

The site, situated at 200 Wells Avenue, is located in the Wells Avenue Office Park, in the southern part of the City. Wells Avenue is a paved two-way loop road accessed from a signalized intersection off of Nahanton Street. The Wells Avenue Office Park is a mature commercial and limited manufacturing office park dating back to the late 1960s. Commercial uses abut the subject parcel on all sides.

The petitioners' lot contains approximately 87,131 sq. ft of land and is generally characterized as a flat, triangular parcel. The site is improved with a two-story –22,000 sq. ft. brick building previously used as office space.

The site is served by two parking areas on each side of the building. Parking Lot A contains 47 parking stalls including 3 HC stalls. Parking Lot B contains 14 stalls. Though the main entrance to the building is located on the south side of the building close to the center of Parking Lot A, both parking areas have a pedestrian walkway leading from the parking areas to building entrances.

##### **B. Neighborhood**

As stated above, the petitioners' site is located within the Wells Avenue Office Park, which is a Limited Manufacturing Zoning District, containing a mix of commercial uses including general office, warehouse and distribution, and other school and sports related uses (including Solomon Schechter Day School, Exxcel Gymnastics Academy, Tennis and Racquetball Club, etc.).

**VI. ANALYSIS****A. Technical Considerations, Sec.30-20(1)**

The following table compares the existing building to the technical requirements in a Limited Manufacturing District:

<b>Limited Manufacturing</b>	<b>Required</b>	<b>Existing Building</b>
Minimum lot size	20,000 sq. ft.	87,131 sq. ft.
Setbacks		
Front	25 ft.	93.6 ft.
Side	20 ft.	65.9 ft. (south)
Side	20 ft.	21.4 ft. (west)
Building height	36 ft.	24.6 ft.
Max. # of stories	3 stories	2 story
Max. building lot coverage	.25	.13
<b>FAR*</b>	.25	Not provided
<b>Open Space*</b>	40%	62.7%

*\*As required by the Deed Restriction on the Wells Avenue Office Park.*

As illustrated above, the existing building conforms to all the dimensional requirements of the Zoning Ordinance and the Deed Restriction, and the petitioners are not proposing any changes to the site except for minor modifications to the parking area. *The petitioners should be expected to verify the FAR prior to the Public Hearing.*

**B. Traffic and Parking**

There are two parking lots on site, Lot A, with 48 stalls, and Lot B, with 14 stalls. In order to reduce traffic and parking conflicts the petitioners are proposing that the smaller lot, Lot B be earmarked for use by RSM only on weekdays prior to 6:00 p.m. Office parking and parking for DFI will be supplied in the larger parking area, Lot A. After 6:00 p.m. the RSM would also use Lot A.

The table below depicts how the project compares with the requirements of Section 30-19 of the Ordinance:

<b>Section 30 –19</b>	<b>Ordinance</b>	<b>Proposed</b>
# of Parking Stalls for all Proposed Uses	A – B + C = 74 stalls	<b>62 stalls</b>
Min. Stall Width	9 ft.	9 ft.
Min Stall Length	19 ft.	17 ft.*
Min Driveway Width	20 ft.	23.7 ft.
Min. Aisle Width	24 ft.	<b>19.8 ft.</b>
Handicapped Stalls	3 stalls 12 ft. x 19 ft.	3 stalls <u>12 ft. x 17 ft.*</u>
Front Setback	25 ft.	<b>23.6 ft.</b>
Side Yard Setback	20 ft.	<b>8.8 ft.</b>
Maneuvering Space for End Stall	5 ft. x 9 ft.	<b>3.5 ft x 18.5 ft.</b>
Bicycle Parking	1 / 10 parking stalls = 7 (62 parking stalls)	7

\* 2.0' overhang per section 30-19(h)(2)d)

Though the petitioners are seeking to bring the parking lots into greater conformity with applicable requirements, various proposed dimensions of the parking areas will not achieve conformance with applicable standards including minimum aisle width as narrow as 19.8 ft. for Lot A, and front setback of 23.6 ft, maneuvering space for end stall turn-out of 3.5 ft, and minimum aisle with 23.6 ft. for Lot B. In addition, the petitioners have noted the installation of a guardrail in Lot A in place of curbing, necessitating a waiver per 30-19(m).

The petitioners are seeking a waiver to confirm and allow existing perimeter and interior landscaping pertaining to the parking areas. While the applicant believes that current lighting may be consistent with the then approved site plan the applicant seeks a waiver to confirm and allow existing conditions to continue. *The Planning Department suggests that the applicant provide a photometric plan to ascertain the existing illumination of the parking areas and whether remedial steps may be necessary for the benefit and safety of the students.*

The Russian School of Mathematics specializes in the teaching of mathematics for grades K-12 and serves approximately 820 students per week. Scheduled classes are offered weekdays from 3:30 p.m. to 9:15 p.m. and from 9:00 a.m. to 5:00 p.m. on weekends. The Chief Zoning Code Official's parking calculation for the RSM indicate that based on an anticipated student population level of operation of 100 (on Saturdays, as stated by the applicant), the calculation of required parking indicates that the school use will require 21 parking spaces including staff.

Dance Fever, Inc. is a dance studio serving ages 4 through adult with approximately 372 students per week with classes typically offered weekday evenings after 6:00 p.m. (but as early as 5:15 on Wednesdays) and during the day on Saturdays. Peak time is generally from 6:00 to 7:30 p.m. with up to 4 classes and approximately 38 students at a time. The Chief Zoning Code Official's parking calculation for DFI indicate that based on an anticipated maximum student population of 48 (as stated by the applicant), the calculation of required parking indicates that the school use will require 10 parking spaces including staff.

While the above mentioned petitioners will occupy the entire first floor of the building and would maintain their offices at this location, the petitioners are proposing to maintain the second floor as commercial office space. *Therefore, a critical component of the petitioners' plan is the anticipated decreased use of the site by the office use after 5:00 p.m. on weekdays, allowing parking for both RSM and DFI for their early evening sessions.* Second floor office space of 11,092 sq. ft. requires 45 parking stalls.

Applying the parking formula per Section 30-19(c)(2)a) of the Newton Ordinances of A-B+C to the entire premises including RSM, DFI, and 11,092 sq. ft. of second floor office, yields the result of 74 required spaces. *As the petitioners are proposing 62 stalls on site, a waiver of 12 stalls is required.* For comparison purposes, the Planning Department notes that if this building were being developed as new office space the City's Zoning Ordinance would require 88 parking stalls.

The petitioners have submitted two sets of graphs with these petitions. The first set of graphs depicts drop-off and pick-ups for the Math School. It appears that classes have been scheduled to either begin or end fifteen minutes apart from 3:30 to 6:00 p.m. in order to minimize the number of cars entering and exiting the site at any one time during standard office working hours. The second set of graphs depicts the parking lot occupancy by all uses in relation to projected on-site parking demand on weekdays. As depicted, there is projected to be a surplus of parking spaces even during peak periods during the week.

*Given this information, adequate queuing, circulation, parking, and safe pedestrian access through the parking lot, are important issues central to this petition. The Planning Department recommends that directional signage be posted at the entrance of both lots indicating drop off and parking for different uses. Parents should also be advised of parking and drop-off and pick-up policies in writing.*

*It is noted that should enrollment increase in the future beyond the factors indicated above at either establishment, or should the over 14 (years of age) student population increase, this will increase the required parking associated with these uses. The Planning Department recommends that if the Board approves these petitions that the Board consider an enrollment cap in its review of the parking implications associated with these schools in order to manage total student and staff parking within the proposed on-site parking supply. The Planning Department also recommends that DFI not have any classes beginning before 6:00 p.m., at which point the office use is expected to have vacated Parking Lot A.*

*The City Traffic Engineer is expected to comment on parking and circulation issues relating to this petition under separate cover prior to the Public Hearing.*

C. Relevant Site Plan Approval Criteria, Sec.30-23

1. Convenience and safety of vehicular and pedestrian movement within the site

The petitioners have submitted two sets of graphs with this petition depicting drop-off and pick-ups for the Math School. It appears that weekday classes have been scheduled to either begin or end fifteen minutes apart from 3:30 to 6:00 p.m. in order to minimize the number of cars entering and exiting the site at any one time. The second set of graphs depicts the parking lot occupancy in relation to projected on-site parking demand on weekdays. As the majority of classes at the RSM are 90+ minutes the petitioners are making the assumption that parents will drop off and pick up their children and not "live park." Except for Wednesdays, DFI's classes begin at 6:00 p.m. or later and are expected to have less impact, as the office will have vacated most of the parking area. The Planning Department recommends that DFI not have any classes begin before 6:00 p.m., at which point the office use is expected to have vacated Parking Lot A.

As depicted, there is projected to be a surplus of parking spaces even during peak periods during the week. However, should enrollment increase or the over 14 (years of age) student population increase there may be a parking shortage. The Planning Department recommends the Board consider setting an enrollment cap on the number of students prior to 6:00 p.m. in order to avoid parking and circulation conflicts.

The Planning Department suggests that proposed improvements to the parking area complement both vehicular and pedestrian safety, as long as queued cars can be accommodated on-site and not back up onto Wells Avenue during peak hours and at class turn-over times. *The petitioners should be expected to submit a queuing plan prior to the Public Hearing.* The Planning Department;

petitioners further develop clear directional signage to be posted at the entrance of both lots indicating parking and pick-up/drop-off for the different uses. Parents should also be advised of parking and pick-up/drop-off policies in writing.

2. Screening of parking areas and structures on the site from adjoining premises or from street by walls, fences, plantings, or other means

The site is heavily wooded and it does not appear that additional landscaping is necessary to screen the site from abutting properties or the public way. The petitioners are proposing to trim some of the existing landscape around both pedestrian walkways leading to the two entrances in order to improve the visibility along the walkway and seating areas. In addition, the petitioners are proposing to add some benches and a bike rack.

3. Consideration of Site Design

The petitioners are not proposing any alterations to the existing structure or site except to bring the parking areas into closer conformity and improve the pathways leading from the parking areas to the entrances.

The petitioners have submitted plans for two proposed freestanding signs. The sign at Parking Lot B as proposed would be 25 sq. ft. overall with a double sided non-illuminated 10 sq. ft. panel for the RSM only. Both the Planning Department and the



UDBC have recommended that the petitioner consider simplifying the amount of information on the sign and indicate that Lot B is for RSM pick-up and drop-off only.

The second free-standing sign is a multi-panel non-illuminated 27.5 sq. sign with panels for up to 4 tenants including RSM, DFI, and two office tenants. The UDBC has recommended that the petitioners also consider simplifying this sign. The sign at Parking Lot A will be set back 4 ft. and the sign at Lot B would be set back 4.3 ft from the lot line along Wells Avenue. The Planning Department does not believe that the signs as proposed will interfere with sight lines along Wells Avenue.

As mentioned above, the Planning Department recommends the petitioners further develop clear directional signage to be posted at the entrance of both lots indicating parking and pick-up/drop-off for the different uses in order to facilitate vehicular circulation and pedestrian safety on-site.

D. Relevant Special Permit Criteria, Sec.30-24

1. The specific site is an appropriate location for such use, structure

The petitioners are proposing to locate two for-profit schools on the first floor of an existing commercial building with office above in a Limited Manufacturing Zoning District. The site appears to be appropriate, however due to the intensity of all proposed uses on-site the City Traffic Engineer is expected to review all possible traffic and circulation impacts prior to the Public Hearing.

2. The use as developed and operated will not adversely affect the neighborhood

As depicted, there is projected to be a surplus of parking spaces even during peak periods during the week. However, should enrollment increase or the over 14 (years of age) student population increase there may be a parking shortage.

The Planning Department feels that proposed improvements to the parking area should complement both vehicular and pedestrian safety, as long as queued cars can be accommodated on-site and not back up onto Wells Avenue during peak hours. The City Traffic Engineer is expected to comment on this petition prior to the Public Hearing.

VII. SUMMARY

200 Wells Avenue is subject to Board Order #188-79, which governed the overall development of the site. Both petitioners are requesting an amendment to the special permit for a change in use and to amend the Deed Restriction governing the Wells Avenue commercial area for for-profit educational uses and for two freestanding signs. Additionally, both petitioners are seeking waivers from the parking requirements including dimensional waivers and waivers for the number of required parking stalls.

While the petitioners will occupy the entire first floor of the building and would maintain their offices at this location, the petitioners seek to continue to use the second floor as commercial office space. A critical component of the petitioners plan is the anticipated decreased use of the site by the office use after 5:00 p.m. on weekdays, parking by both RSM and DFI for their early evening classes. There are two parking lots on site, Parking Lot A, with 48 stalls, and Parking

Lot B, with 14 stalls. In order to reduce traffic and parking conflicts the petitioners are proposing that the smaller lot, Lot B be earmarked for use by RSM only on weekdays prior to 6:00 p.m. Office parking and parking for DFI will be supplied in the larger parking area, Lot A. After 6:00 p.m. the RSM would also use Lot A. Applying the parking formula of A-B+C to the entire premises including RSM, DFI, and 11,092 sq. ft. of second floor office, yields the result of 74 required spaces. As the petitioners are proposing 62 stalls on site, a waiver is required for 12 stalls.

The petitioners have submitted a parking study indicating that there is projected to be a surplus of parking spaces even during peak periods during the week. However, should enrollment increase or the over 14 (years of age) student population increase the Planning Department believes there may be a parking shortage. The Planning Department recommends the Board consider setting an enrollment cap on the number of students prior to 6:00 p.m. in order to avoid parking and circulation conflicts.

The Planning Department feels that proposed improvements to the parking area should complement both vehicular and pedestrian safety, as long as queued cars can be accommodated on-site and not back up onto Wells Avenue during peak hours. The Planning Department recommends the petitioners submit a queuing plan prior to the Public Hearing. The Planning Department also recommends that directional signage be posted at the entrance of both lots indicating drop off and parking for different uses. Parents should also be advised of parking and drop-off and pick-up policies in writing. The Planning Department has recommended that the petitioners simplify both proposed freestanding signs. The Planning Department applicant provide a photometric plan to ascertain existing illumination and whether remedial steps may be necessary for the benefit and safety of the students.

Additional information including number of students attending the RSM day camp should also be submitted prior to the Public Hearing. Finally, DFI should clarify if they run any programs separate from the classes mentioned above.

### ATTACHMENTS

*ATTACHMENT A* : Zoning Review Memorandum, For-Profit School of Mathematics, dated September 11, 2006

*ATTACHMENT B* : Zoning Review Memorandum, Dance Studio Operating as For-Profit School, dated September 12, 2006

*ATTACHMENT C* : Parking Analysis Memorandum (submitted by the petitioners), dated September 8, 2006

# Zoning Review Memorandum

ATTACHMENT A

Dt: September 11, 2006

To: The Russian School of Mathematics, Inc.  
Stephen J. Buchbinder, Esq., representing applicant

Fr: Juris Alksnitis, Chief Zoning Code Official

Cc: Michael Kruse, Director, Department of Planning and Development  
John Lojek, Commissioner of Inspectional Services

**Re: For profit school of mathematics.**

**Applicant: The Russian School of Mathematics**

**Site:** 200 Wells Ave.

**SBL:** Section 84, Block 34A, Lot 2

**Zoning:** Limited Manufacturing

**Lot Area:** 87,120 sq. ft.

**Current use:** Office

**Prop. use:** School of Mathematics

Background:

The applicant seeks to relocate The Russian School of Mathematics (RSM), specializing in mathematics for grades K-12 from their current location at 1345 Centre St. to the subject site. RSM is a private for profit school serving approximately 820 students 4PM-9PM on weekdays and 9AM-5PM weekends, operating 7 days a week. The School will be located in the westerly wing of first floor space of a commercial building previously used as office space. As this will be a for profit school, Section 30-5(b)(2) requires a special permit. In addition, the site is located within the Wells Ave commercial area, which is subject to additional controls as discussed below. It is also noted that Dance Fever, Inc. (DFI), a for-profit dance studio is concurrently seeking permission to locate in the easterly wing of the first floor. Zoning review for this establishment is provided under separate memorandum.

Administrative determinations

1. *Section 30-5(b)* provides that for-profit educational establishments may be located in all districts. Unless allowed as of right within the underlying zone in which the property is located, such establishments require a special permit from the Board of Aldermen. The subject for-profit school requires a special permit pursuant to Section 30-5(b)(2).
2. Section 30-15, Table 3, *Dimensional Requirements for Commercial Districts* (Table 3) establishes the applicable dimensional controls for commercial buildings. Plans submitted by the petitioner indicate that the use will be entirely located within the first floor of the westerly wing of the subject existing two-story commercial building. While internal alterations are planned, no expansions, additions or alterations of the building envelope are contemplated. As a result, no Table 3 requirements are triggered with regard to the building.
3. The site is subject to additional requirements as set forth in a Deed Restriction governing development of the Wells Ave. commercial area since 1968, as initially implemented by the City pursuant to Board Order 276-68(3), and amended from time to time. These requirements include controls such as open space, floor area ratio, certain setbacks,

freestanding sign limitation, preservation of natural and wetland areas, allowed uses, and Board of Aldermen site plan approval, among others. While the applicant indicates few physical changes are planned, the subject project requires compliance with the Deed Restriction in the following respects:

- o For-profit educational use not an allowed use; requires waiver.
- o Site plan approval by Board of Aldermen required.
- o Open space – see discussion in paragraph 8, below.
- o Freestanding signs – see discussion in paragraph 12, below.

While for profit educational uses are allowed in the Limited Manufacturing District pursuant to Section 30-5(b)(2), such uses are not included in the list of allowed uses under the Deed Restriction. Nevertheless, in the case of a nearby for profit gymnastics academy at 88 Wells Avenue, the Board of Aldermen approved a waiver of this requirement allowing the use in this instance only (see BO #38-03(2)). In order to allow RSM as proposed, action by the Board of Aldermen will be needed authorizing another use waiver to section 4 of the Deed Restriction. Also, as alterations within the parking lots and miscellaneous changes to the site are contemplated per submitted plans, such plans need approval by the Board of Aldermen per section 3 of the Deed Restriction.

4. In addition, the subject site is specifically governed by Board Order #188-79 and the plans of record referenced in Conditions #3-6. Alteration and amendment of these plans necessitates approval by the Board of Aldermen pursuant to Sections 30-23 and 30-24.
5. Board Order #188-79, Conditions #5 and #6 address the construction of elevations/facade treatment and utilization of floor areas, respectively. The applicant has provided a letter from VTP Associates, Inc., stating that elevations as they exist today match the referenced 1979 plans. As noted in paragraph 2, above, the applicant plans no alterations to the building exterior. While floor plans referenced in Condition #6 do not contain much detail as to utilization, it is understood that the primary first floor use as initially approved was for office use. Submitted plans propose a change from office use to school use to accommodate the RSM in the westerly wing. Such change of floor utilization necessitates approval of the Board of Aldermen to amend Condition #6. In addition, a concurrent request by Dance Fever, Inc. requests change of use from office to dance studio in the easterly wing of the subject commercial building.
6. *Sections 30-19(d)(11), (13), and (16)* set out the applicable parking requirements for the required number of stalls. Based on an anticipated student population of 100 as stated by the applicant, the calculation of required parking indicates that the subject school use will require 21 parking spaces at this level of operations and assuming conditions may arise where while all staff are present at the same time. Calculations are based on conservative assumptions including: parking for one office-1sp [management], support staff-1sp [part-time bookkeeper], teaching staff-14sp [3 full-time; 11 part-time], and 14 students over 14 of age [based on current ratio of 14% provided by applicant] -5sp, respectively, totaling 2 spaces for overall school operations with all staff present. This reflects a reduction compared to the prior office use with approx. 5424 sq. ft. in this wing [1/2 of 1<sup>st</sup> fl. area based on Harold R. Lewis letter], which required 22 spaces. However, should the future student population reach actual seating capacity of 120 [12 per classroom] in the same proportion of students in under/over 14yr. age categories, this suggests 3 additional over-14 students, which would require one additional space, totaling a maximum of 22 spaces for RSM.

The overall premises, not including the area pertaining to RSM, requires a total of 7 spaces [office – 1<sup>st</sup> fl.: 5424 sq. ft. + office – fl. 11,092 sq. ft. = 16,516 sq. ft. /250=67]. Applying the parking formula A-B+C per Section 30-19(c)(2)a) to the entire premises, including RSM, where A=89 [Required-RSM:22 + 1.5 fl. of office: 67], B=86 [Prior required-all office], and C=69 [pre-change parking layout per 1979 plan] yields the result of 72 required spaces. As 62 spaces are to be provided on site, the parking supply would be short 10 spaces, necessitating a waiver per Section 30-19(m).

Alternatively, should Dance Fever, Inc. (DFI) also be approved, the applicable calculation for the overall premises, not including the area pertaining to RSM requires a total of 69 spaces [DFI -24max. + 2<sup>nd</sup> fl. office area of 11,092/250:45 = 69] (also see Dance Fever, Inc. Zoning Review memorandum). Applying the parking formula A-B+C per Section 30-19(c)(2)a) to the entire premises, including RSM and DFI re A= 91[RSM:22 + DFI:24+

are to be provided on site, the parking supply would be short 12 spaces, necessitating a waiver per Section 30-19(m).

It is further noted that should enrollment increase in the future beyond the factors indicated above at either establishment, or should the over-14 student population increase, this will necessarily increase the required parking associated with these uses. RSM may wish to specify a firm overall enrollment limit and also fix the number of students over 14 yrs. of age for consideration by the Board of Aldermen in its review of the parking implications associated with this for-profit school. A similar and coordinated undertaking would be necessary by Dance Fever, Inc. in order to manage total student/client and staff parking requirement within the proposed on-site parking supply.

7. *Section 30-19(h)* and (j)(2) establish the parking facility design and related requirements for parking facilities of this size. While the original parking lots were built approximately in 1979, changes in site conditions appear to have occurred over time. The applicant has provided a letter from VTP Associates, Inc., stating that multiple aspects of the currently existing layout vary from the 1979 plans approved per BO#188-79. As shown on submitted new plans, the applicant seeks to bring the subject parking lots into greater conformity with applicable layout and design standards while reducing the number of parking spaces. Various proposed dimensions will not achieve conformance with applicable standards as follows:

Lot A: minimum aisle width as narrow as 19.8 ft.

Lot B: front setback 23.6 ft.; maneuvering space for end stall turn-out 3.5 ft. deep minimum aisle width 23.6 ft.

The above items will require waivers in accordance with Section 30-19(m). Existing non-standard conditions approved per the original site plan referenced in BO #188-79, Cond. #3 remaining unchanged to date, are considered waived per 30-19(m). In addition, the applicant has noted the installation of a guard rail at Lot A in place of otherwise required curbing as provided in Section 30-19(j)(2)(e), necessitating a waiver per Section 30-19(m). Moreover, while the applicant has indicated that the dumpster in Lot B will be relocated, plans have not yet been received depicting contemplated changes. At present, the existing dumpster arrangement appears to hinder access to the adjacent parking space, a condition which must be remedied in order to include the subject space in the proposed supply of 62 spaces.

30-19(h)  
30-19(j)  
30-19(m)

8. *Section 30-19(i)* establishes the perimeter and interior landscaping requirements applicable to parking lots of this size. The applicant has provided a letter from VTP Associates, Inc., stating that currently existing landscaping matches the previously approved landscape plan per BO#188-79 (see Cond. #4). While the continuation of existing previously approved landscaping does not need a Section 30-19(m) waiver, the applicant seeks a waiver to confirm and allow existing perimeter and interior landscaping pertaining to the parking areas.

As there will be some limited site improvements involving landscape elements, the applicant is responsible for recalculating the amount of open space as defined in Section 1 of the Deed Restriction and for confirming that the minimum of 40% open space is maintained. Also, amendment of the previously approved site and/or landscape plans necessitates approval by the Board of Aldermen pursuant to Sections 30-23 and 30-24.

9. *Section 30-190)(1)* establishes illumination requirements applicable to parking lots of this size. While the applicant believes that current lighting may be consistent with the then approved site plan per BO# 188-79, Cond. #3, the applicant is not certain of this and seeks a waiver to confirm and allow existing conditions to continue. It is noted that the continuation of existing previously approved lighting would not need a Section 30-19(m) waiver. However, as no information is available at present describing whether existing lighting meets the Section 30-19(j)(1) illumination requirements, it is suggested the applicant provide a photometric plan to ascertain the extent of available illumination and whether remedial steps may be necessary for the benefit and safety of the students attending the school.
10. *Sections 30-19(k) & (l)*, establish the applicable bicycle parking and off-street loading requirements. Proposed plans indicate a new bicycle rack for 7 bicycles, which meets the requirements of 30-19(k). Also, the proposed interior alterations do not trigger any requirement under Section 30-19(1) pertaining to off-street loading requirements.
11. *Section 30-20* establishes the requirements pertaining to signs. Information on file suggests that while BO# 188-79 plans refer to the location of a potential free standing sign, records indicating Board of Aldermen approval of any specific sign are lacking. The most recent freestanding sign has been removed by the applicant, who seeks to install two freestanding signs. However, no information is provided as to any possible wall signs or directional signs. It is noted that guidance provided by the Urban Design and Beautification Commission typically recommends addressing the overall signage needs of a site through an overall sign program for the site and building. Such a sign program should define the hierarchy of free standing and building wall signs and establish applicable guidelines for future tenants. This approach would serve to enhance exterior signage, help distinguish the site and its business establishments while simplifying future sign replacement and review.
12. The applicant seeks two freestanding signs each exceeding the 12 sq. ft. limit established by the Deed Restriction in section 8c, but complying with the dimensional requirements established per Section 30-20(1). All freestanding signs serving commercial establishments require approval by the Board of Aldermen per 30-20(f)(9) and 30-20(1). Signs must meet illumination requirements per 30-20(i) and the locus plan needs to show landscaping treatment. The preceding information is lacking at this time.

Since the area of each proposed sign exceeds the Deed Restriction sign area limit, the applicant needs approval from the Board to waive this limit. A waiver of this type was

approved by the Board pertaining to a freestanding sign at 88 Wells Ave (ref. BO #38-03(2)). Also, it is noted that since freestanding signs are considered principal signs, should the applicant or the applicant's future tenants seek approval of wall signs, all such signs will be subject to dimensional controls applicable to secondary signs per Section 30-20(f)(2).

13. See "Zoning Relief Summary" below.		
<b>Ordinance</b>	<b>Zoning Relief Summary</b>	<b>Action Required</b>
	<b>Building</b>	N/A
30-23 BO#188-79	Approval to change utilization of first floor from office use to school <u>use</u> and to amend Condition #6.	X
	<b>Parade</b>	N/A
30-19(d)(11), (13)&(16) 30-19(m)	Approval to waive required parking from 72 to 62 spaces for RSM and office use only, in the event only RSM is approved.	X
30-19(d)(11), (13)&(16) 30-19(m)	Approval to waive required parking from 74 to 62 spaces for RSM, Dance Fever and office use in the event both new establishments are approved.	X
30-19(h)(3) & 30-19(m)	Lot A – Approval of waiver to reduce minimum aisle width from 24 ft. to 19.8 ft.	X
30-19(h)(1) & 30-19(m)	Lot B – Approval of waiver to reduce front setback from 25 ft. to 23.6 ft.	X
30-19(h)(2)e) 30-19(m)	Lot B – Approval of waiver to reduce end stall turn-out depth from 5 ft. to 3.5 ft.	X
30-19(h)(3) & 30-19(m)	Lot B – Approval of waiver to reduce minimum aisle width from 24 ft. to <b>23.6</b> ft.	X
30-19(1)(1)a)(i) 30-19(i)(2) 30-19(m)	Lots A & B – Approval of waiver to the extent necessary to confirm and continue to allow existing perimeter and interior landscaping.	X
30-19(j)(1) 30-19(m)	Lots A & B – Approval of waiver to the extent necessary to confirm and continue existing lighting installation, and to allow reduced illumination below 1 ft.-candle, to the extent necessary.	X
30-19(j)(2)e) 30-19(m)	Lot A – Approval of waiver to install guardrail instead of curbing.	X
	<b>Sign</b>	N/A
30-20(f)(9) 30-20(1) 30-24(d)	Approval of freestanding sign naming the Russian School of Mathematics and adjacent business Dance Fever, Inc.	X
30-20(f)(9) 30-20(1) 30-24(d)	Approval of freestanding sign naming business tenant QA Signature and providing panels for two additional business tenants.	X
30-5(b)(2)	Approval of for profit school in Limited Manufacturing zone	X
	<b>i</b>	
30-23 BO#188-79	Approval of amendments to site, landscaping, and related plans referenced in #B0188-79, Conditions #3-6, to the extent necessary in relation to RSM.	X

<i>Ordinance</i>	<i>Zoning Relief Summary (cont.)</i>	<i>Action Req</i>
	<i>Special Permit</i>	
30-24(d) BO#188-79	Approval of special permit pertaining to for profit school – RSM, and amendments to BO#188-79, to the extent needed.	X
	<b>Deed Restriction 010n/6-68(3);</b>	
DR Sec. 3	Approval of amended site plan and landscaping plan.	X
DR Sec. 4	Approval of waiver to allow for-profit educational use.	X
DR Sec. 8c	Approval of dimensional waiver to allow freestanding sign exceeding 12 sq. ft. in area.	X

#### Plans and materials reviewed

- Plan set titled "200 Wells Ave. — L. Cohen Developer — Joseph J. Schiffer & Associates Architects — Newton 128 Office Park." Dated March 14, 1979 as last revised March 21, 1979, prepared by Joseph J. Schiffer Associates Architects, stamped and signed by Joseph J. Schiffer, Registered Architect, consisting of the following:
  - Site Plan
    - Landscape Plan
  - Plan Level 1
    - Plan Level 2
  - Elevations, south and west; north and east
  - Sections
- Plan set titled "Renovations for 200 Wells Avenue, 200 Wells Ave., Newton, MA", dated June 12, 2006, prepared by Olson Lewis Dioli & Doktor Architects, 17 Elm St., Manchester-by-the-Sea, MA 01944, bearing no professional stamp or signature, consisting of the following:
  - Sheet A1.1 — 1<sup>st</sup> Floor Demolition Plan
  - Sheet A2.1 — 2<sup>nd</sup> Floor Demolition Plan
  - Sheet A1.4 — 1<sup>st</sup> Floor Proposed Alternate 2
  - Sheet A2.2 — 2<sup>nd</sup> Floor Proposed Plan
- Plan titled "New Offices for RJ Wells, LLC, 200 Wells Ave., Newton, MA", Sheet A1.2 - 1<sup>st</sup> Floor Proposed Use Areas, dated August 22, 2006, prepared by Olson Lewis Dioli & Doktor Architects, 17 Elm St., Manchester-by-the-Sea, MA 01944, bearing no professional stamp or signature.
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- Plan titled "Topographic Plan of Land, Newton, MA, Showing Proposed Conditions at 200 Wells Ave", dated August 10, 2006, prepared by VTP Associates, Inc., Land Surveyors - Civil Engineers, 132 Adams Street, 2<sup>nd</sup> Floor, Suite #3, Newton, MA 02458, stamped and signed by James J. Abely, Land Surveyor.
- Plan titled "Area Plan of Land, Newton, MA, To Accompany the Petition of Russian School", dated August 10, 2006, prepared by VTP Associates, Inc., Land Surveyors - Civil Engineers, 132 Adams Street, 2<sup>nd</sup> Floor, Suite #3, Newton, MA 02458, stamped and signed by James J. Abely, Land Surveyor.
- Letter dated August 16, 2006 and enclosed materials from Stephen Buchbinder, representing applicant.
- Letter dated June 14, 2006 from Harold R. Lewis, Architect.
- Letter dated September 6, 2006 from Joseph R. Porter, PLS, VTP Associates, Inc.

#### Related information

- Board Order #276-68(3) - Deed Restriction/Option Agreement.
- Board Order #734-72 — Amendment to Deed Restriction.
- Board Order #188-79 — Special Permit authorizing initial development of 200 Wells Ave.
- Board Order #38-03 — Special Permit authorizing for profit gymnastics school at 88 Wells Ave.



# *Zoning Review Memorandum*

ATTACHMENT B

Dt: September 12, 2006

To: Dance Fever, Inc.  
Stephen J. Buchbinder, Esq., representing applicant

Fr: Juris Alksnitis, Chief Zoning Code Official

Cc: Michael Kruse, Director, Department of Planning and Development  
John Lojek, Commissioner of Inspectional Services

Re: Dance studio operating as for profit school.

## **Applicant: Dance Fever, Inc.**

**Site:** 200 Wells Ave.

**SBL:** Section 84, Block 34A, Lot 2

**Zoning:** Limited Manufacturing

**Lot Area:** 87,120 sq. ft.

**Current use:** Office

**Prop. use:** Dance studio

### Background:

The applicant seeks to relocate Dance Fever, Inc. (DFI), a dance studio serving ages 4 through adult, from their current location at 69 Wexford St., Needham to the subject site. DFI is a private for profit establishment serving approximately 372 students with classes typically offered weekday evenings and days on Saturdays. The subject dance studio will be located in the easterly wing of first floor space of a commercial building previously used as office space. The site is located within the Wells Ave commercial area, which is subject to additional controls as discussed below. It is also noted that The Russian School of Mathematics, a for-profit school is concurrently seeking permission to locate in the westerly wing of the first floor. Zoning review for this establishment is provided under separate memorandum dated September 11, 2006. As both establishments seek to locate in the same building most site related considerations are similar as discussed below.

### Administrative determinations

1. *Section 30-1, Definitions*, does not contain a definition for a dance studio type commercial establishment, nor is such a use listed among uses allowed within the Limited Manufacturing Zone. However, the applicant is described as providing systematic teaching of ballroom and other types of dancing for individuals and groups. As such, the use is more like a school, although without the emphasis on academic content typically associated with schools. *Section 30-5(b)(2)* provides that for-profit educational establishments may be located in all districts. For the purposes of the Newton Zoning Ordinance, the subject dance studio will be reviewed as a for profit school requiring a special permit pursuant to *Section 30-5(b)(2)*. In this regard it is noted that in 2003 the Board of Aldermen approved Exxcel Gymnastics, Inc., a gymnastics academy located nearby at 88 Wells Ave., granting special permit BO #38-03 under *30-5(b)(2)* for this establishment as a for profit school.
2. *Section 30-15, Table 3, Dimensional Requirements for Commercial Districts* (Table 3) establishes the applicable dimensional controls for commercial buildings. Plans submitted by the petitioner indicate that the dance studio will be entirely located within the first floor of the easterly wing of the subject existing two-story commercial building. While internal

alterations are planned, no expansions, additions or alterations of the building envelope are contemplated. As a result, no Table 3 requirements are triggered with regard to the building.

3. The site is subject to additional requirements as set forth in a Deed Restriction governing development of the Wells Ave. commercial area since 1968, as initially implemented by the City pursuant to Board Order 276-68(3), and amended from time to time. These requirements include controls such as open space, floor area ratio, certain setbacks, freestanding sign limitation, preservation of natural and wetland areas, allowed uses, and Board of Aldermen site plan approval, among others. While the applicant indicates few physical changes are planned, the subject project requires compliance with the Deed Restriction in the following respects:

- o For-profit educational use not an allowed use; requires waiver.
- o Site plan approval by Board of Aldermen required.
- o Open space – see discussion in paragraph 8, below.
- o Freestanding signs – see discussion in paragraph 12, below.

While for profit educational uses are allowed in the Limited Manufacturing District pursuant to Section 30-5(b)(2), such uses are not included in the list of allowed uses under the Deed Restriction. Nevertheless, in the case of a nearby for profit gymnastics academy at 88 Wells Avenue, the Board of Aldermen approved a waiver of this requirement allowing the use in this instance only (see BO #38-03(2)). In order to allow DFI as proposed, action by the Board of Aldermen will be needed authorizing another use waiver to section 4 of the Deed Restriction. It is also noted that the Russian School of Mathematics has requested a similar waiver to locate in the westerly wing of the subject building. Also, as alterations within the parking lots and miscellaneous changes to the site are contemplated per submitted plans, such plans need approval by the Board of Aldermen per section 3 of the Deed Restriction.

4. In addition, the subject site is specifically governed by Board Order #188-79 and the plans of record referenced in Conditions #3-6. Alteration and amendment of these plans necessitates approval by the Board of Aldermen pursuant to Sections 30-23 and 30-24.
5. Board Order #188-79, Conditions #5 and #6 address the construction of elevations/facade treatment and utilization of floor areas, respectively. The applicant has provided a letter from VTP Associates, Inc., stating that elevations as they exist today match the referenced 1979 plans. As noted in paragraph 2, above, the applicant plans no alterations to the building exterior. While floor plans referenced in Condition #6 do not contain much detail as to utilization, it is understood that the primary first floor use as initially approved was for office use. Submitted plans propose a change from office use to dance studio use to accommodate DFI in the easterly wing. Such change of floor utilization necessitates approval of the Board of Aldermen to amend Condition #6. In addition, a concurrent request by The Russian School of Mathematics seeks a change of use from office to school in the westerly wing of the subject commercial building.
6. *Sections 30-19(d)(11), (13), and (16)* set out the applicable parking requirements for the required number of stalls. Based on an initial student population of 48 within 4 classes as indicated by the applicant, the calculation of required parking indicates that the subject school use will require 10 parking spaces at this level of operations. Calculations are based on conservative assumptions including: parking for one support staff-1sp [receptionist],

teaching staff-4sp, and 14 students over 14 yrs of age-5sp, respectively, totaling 10 spaces for overall Dance Fever school operations. This reflects a reduction compared to the prior office use with 5424 sq. ft. [1/2 of 1<sup>st</sup> fl. area based on Harold R. Lewis letter], which required 22 spaces. While it is noted that the applicant states that there is a limit of 12 students per class, available floor area within the ballrooms indicates the physical potential for higher occupancy. Application of the Massachusetts Building Code factor of 20 sq. ft./person in relation to educational classroom use [780 CMR: The Massachusetts State Building Code, Table 1008.1.2] yields a capacity of 191 [3,811.6 sq. ft./20=191]. Adjusted for 48 existing students this reflects and increase of 143 [191-48=143]. When the increase is pro-rated for students over 14 yrs. of age in the same proportion as existing students in under/over 14 yr. age categories, this yields a figure of 42 additional students [29% x 143=42] in the over-14 category, necessitating 14 additional parking spaces [42/3=14]. Should future growth follow this scenario, DFI would require a maximum of 24 spaces.

The overall premises, not including the area pertaining to DFI, requires a total of 67 spaces [office – 1<sup>st</sup> fl.: 5424 sq. ft. + office 2<sup>nd</sup> fl. 11,092 sq. ft. = 16,516 sq. ft. /250=67]. Applying the parking formula A-B+C per Section 30-19(c)(2)a) to the entire premises, including DFI, where A=91 [Required-DFI:24 + 1.5 fl. of office: 67], B=86 [Prior required-all office], and C=69 [pre-change parking layout per 1979 plan] yields the result of 74 required spaces. As 62 spaces are to be provided on site, the parking supply would be short 12 spaces, necessitating a waiver per Section 30-19(m).

Alternatively, should RMS also be approved, the applicable calculation for the overall premises, not including the area pertaining to DFI requires a total of 67 spaces [RMS: 22 + 2<sup>nd</sup> fl. office area of 11,092/250:45 = 67] (also see Russian School of Mathematics Zoning Review memorandum). Applying the parking formula A-B+C per Section 30-19(c)(2)a) to the entire premises, including DFI and RSM, where A= 91 [DFI:24 + RSM:22+ 2<sup>nd</sup> fl. office: 45], B=86, and C=69 also yields the result of 74 required spaces. As 62 spaces are to be provided on site, the parking supply would again be short 12 spaces, necessitating a waiver per Section 30-19(m).

It is further noted that should enrollment increase in the future beyond the factors indicated above at either establishment, or should the over-14 student population increase, this will necessarily increase the required parking associated with these uses. DFI may wish to specify a firm overall enrollment limit and also fix the number of students over 14 yrs. of age for consideration by the Board of Aldermen in its review of the parking implications associated with this dance studio. A similar and coordinated undertaking would be necessary by the Russian School of Mathematics in order to manage the total student/client and staff parking requirement within the proposed on-site parking supply.

7. *Section 30-19(h) and (j)(2)* establish the parking facility design and related requirements for parking facilities of this size. While the original parking lots were built approximately in 1979, changes in site conditions appear to have occurred over time. The applicant has provided a letter from VTP Associates, Inc., stating that multiple aspects of the currently existing layout vary from the 1979 plans approved per BO#188-79. As shown on submitted new plans, the applicant seeks to bring the subject parking lots into greater conformity with applicable layout and design standards while reducing the number of parking spaces. Various proposed dimensions will not achieve conformance with applicable standards as follows:

Lot A: minimum aisle width as narrow as 19.8 ft.

Lot B: front setback 23.6 ft.; maneuvering space for end stall turn-out 3.5 ft. deep minimum aisle width 23.6 ft.

The above items will require waivers in accordance with Section 30-19(m). Existing non-standard conditions approved per the original site plan referenced in BO #188-79, Cond. #3 remaining unchanged to date, are considered waived per 30-19(m). In addition, the applicant has noted the installation of a guard rail at Lot A in place of otherwise required curbing as provided in Section 30-19(j)(2)(e), necessitating a waiver per Section 30-19(m). Moreover, while the applicant has indicated that the dumpster in Lot B will be relocated, plans have not yet been received depicting contemplated changes. At present, the existing dumpster arrangement hinders access to the adjacent parking space, a condition which must be remedied in order to include the subject space in the proposed supply of 62 spaces.

8. *Section 30-19(i)* establishes the perimeter and interior landscaping requirements applicable to parking lots of this size. The applicant has provided a letter from VTP Associates, Inc., stating that currently existing landscaping matches the previously approved landscape plan per BO#188-79 (see Cond. #4). While the continuation of existing previously approved landscaping does not need a Section 30-19(m) waiver, the applicant seeks a waiver to confirm and allow existing perimeter and interior landscaping pertaining to the parking areas.

As there will be some limited site improvements involving landscape elements, the applicant is responsible for recalculating the amount of open space as defined in Section 1 of the Deed Restriction and for confirming that the minimum of 40% open space is maintained. Also, amendment of the previously approved site and/or landscape plans necessitates approval by the Board of Aldermen pursuant to Sections 30-23 and 30-24.

9. *Section 30-19(j)(1)* establishes illumination requirements applicable to parking lots of this size. While the applicant believes that current lighting may be consistent with the then approved site plan per BO# 188-79, Cond. #3, the applicant is not certain of this and seeks a waiver to confirm and allow existing conditions to continue. It is noted that the continuation of existing previously approved lighting would not need a Section 30-19(m) waiver. However, as no information is available at present describing whether existing lighting meets the Section 30-19(j)(1) illumination requirements, it is suggested the applicant provide a photometric plan to ascertain the extent of available illumination and whether remedial steps may be necessary for the benefit and safety of the students attending the dance studio.
10. *Sections 30-19(k) & (l)*, establish the applicable bicycle parking and off-street loading requirements. Proposed plans indicate a new bicycle rack for 7 bicycles, which meets the requirements of 30-19(k). Also, the proposed interior alterations do not trigger any requirement under Section 30-19(1) pertaining to off-street loading requirements.
11. *Section 30-20* establishes the requirements pertaining to signs. Information on file suggests that while BO# 188-79 plans refer to the location of a potential free standing sign, records indicating Board of Aldermen approval of any specific sign are lacking. The most recent freestanding sign has been removed by the applicant, who seeks to install two freestanding signs. However, no information is provided as to any possible wall signs or directional signs. It is noted that guidance provided by the Urban Design and Beautification Commission typically recommends addressing all signage needs of a site through an

overall sign program for the site and building. Such a sign program should define the hierarchy of free standing and building wall signs and establish applicable guidelines for future tenants. This approach would serve to enhance exterior signage, help distinguish the site and its business establishments while simplifying future sign replacement and review.

12. The applicant seeks two freestanding signs each exceeding the 12 sq. ft. limit established by the Deed Restriction in section 8c, but complying with the dimensional requirements established per Section 30-20(1). All freestanding signs serving commercial establishments require approval by the Board of Aldermen per 30-20(f)(9) and 30-20(1). Signs must meet illumination requirements per 30-20(i) and the locus plan needs to show landscaping treatment. The preceding information is lacking at this time.

Since the area of each proposed sign exceeds the Deed Restriction sign area limit, the applicant needs approval from the Board to waive this limit. A waiver of this type was approved by the Board pertaining to a freestanding sign at 88 Wells Ave (ref. BO #38-03(2)). Also, it is noted that since freestanding signs are considered principal signs, should the applicant or the applicant's future tenants seek approval of wall signs, all such signs will be subject to dimensional controls applicable to secondary signs per Section 30-20(f)(2).

13. See "Zoning Relief Summary" below.

<b>Ordinance</b>	<b><i>Zoning Relief Summary</i></b>	<b><i>Action Req</i></b> N/A
30-23 BO#188-79	Approval to change utilization of first floor from office use to dance studio and to amend Condition #6.	X
	Parking	N/A
30-19(d)(11), (13)&(16) 30-19(m)	Approval to waive required parking from 74 to 62 spaces for DFI and office use only, in the event only DFI is approved.	X
30-19(d)(11), (13)&(16) 30-19(m)	Approval to waive required parking from 74 to 62 spaces for DFI, RSM, and office use in the event both new establishments are approved.	X
30-19(h)(3) & 30-19(m)	Lot A — Approval of waiver to reduce minimum aisle width from 24 ft. to 19.8 ft.	X
30-19(h)(1) & 30-19(m)	Lot B — Approval of waiver to reduce front setback from 25 ft. to 23.6 ft.	X
30-19(h)(2)e) 30-19(m)	Lot B — Approval of waiver to reduce end stall turn-out depth from 5 ft. to 3.5 ft.	X
30-19(h)(3) & 30-19(m)	Lot B — Approval of waiver to reduce minimum aisle width from 24 ft. to <b>23.6</b> ft.	X
30-19(i)(1)a)(i) 30-19(i)(2) 30-19(m)	Lots A & B — Approval of waiver to the extent necessary to confirm and continue to allow existing perimeter and interior landscaping.	X
30-19(j)(1) 30-19(m)	Lots A & B — Approval of waiver to the extent necessary to confirm and continue existing lighting installation, and to allow reduced illumination below 1 ft.-candle, to the extent necessary.	X
30-19(j)(2)e) 30-19(m)	Lot A — Approval of waiver to install guardrail instead of curbing.	X

<b>Ordinance</b>	<b>Zoning Relief Summary (cont.)</b>	
	<b>Action Required</b>	
	<b>Sign</b>	N/A
30-20(f)(9) 30-20(1) 30-24(d)	Approval of freestanding sign naming Dance Fever, Inc. and the adjacent business, Russian School of Mathematics.	X
30-20(f)(9) 30-20(1) 30-24(d)	Approval of freestanding sign naming business tenant QA Signature and providing panels for two additional business tenants.	X
	<i>e</i>	
30-5(b)(2)	Approval of dance studio operating as a for profit school in the Limited Manufacturing zone.	X
	<b>Site.</b>	
30-23 BO#188-79	Approval of amendments to site, landscaping, and related plans referenced in #B0188-79, Conditions #3-6, to the extent necessary in relation to DFI.	X
	<b>mat Permit</b>	
30-24(d) BO#188-79	Approval of special permit pertaining to DFI dance studio operating as a for profit school, and amendments to BO#188-79, to the extent necessary.	X
	<b>Deed Restriction</b> 8(3); 734-72 et.	
DR Sec. 3	Approval of amended site plan and landscaping lan.	X
DR Sec. 4	Approval of waiver to allow dance studio operating as for-profit school.	X
DR Sec. 8c	Approval of dimensional waiver to allow freestanding sign installation exceeding 12 sq. ft. containing sign for DFI.	X
DR Sec. 8c	Approval of dimensional waiver to allow freestanding sign installation exceeding 12 sq. ft. containing signs for other tenants.	X

### Plans and materials reviewed

- Plan set titled "200 Wells Ave. — L. Cohen Developer — Joseph J. Schiffer & Associates Architects — Newton 128 Office Park." Dated March 14, 1979 as last revised March 21, 1979, prepared by Joseph J. Schiffer Associates Architects, stamped and signed by Joseph J. Schiffer, Registered Architect, consisting of the following:
  - Site Plan
  - Landscape Plan
  - Plan Level 1
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- Plan titled "New Offices for RJ Wells, LLC, 200 Wells Ave., Newton, MA", Sheet A1.2 - 18<sup>th</sup> Floor Proposed Use Areas, dated August 22, 2006, prepared by Olson Lewis Dioli & Doktor Architects, 17 Elm St., Manchester-by-the-Sea, MA 01944, bearing no professional stamp or signature.

- Plan titled "Topographic Plan of Land, Newton, MA, Showing Existing Conditions at 200 Wells Ave", dated August 2, 2006, prepared by VTP Associates, Inc., Land Surveyors - Civil Engineers, 132 Adams Street, 2<sup>nd</sup> Floor, Suite #3, Newton, MA 02458, stamped and signed by James J. Abely, Land Surveyor.
- Plan titled "Topographic Plan of Land, Newton, MA, Showing Proposed Conditions at 200 Wells Ave", dated August 10, 2006, prepared by VTP Associates, Inc., Land Surveyors - Civil Engineers, 132 Adams Street, 2nd Floor, Suite #3, Newton, MA 02458, stamped and signed by James J. Abely, Land Surveyor.
- Plan titled "Area Plan of Land, Newton, MA, To Accompany the Petition of Russian School", dated August 10, 2006, prepared by VTP Associates, Inc., Land Surveyors - Civil Engineers, 132 Adams Street, 2<sup>nd</sup> Floor, Suite #3, Newton, MA 02458, stamped and signed by James J. Abely, Land Surveyor.
- Untitled sign plans, dated 8/4/2006, prepared and signed by Viktor Rifkin, consisting of the following:
  - Plan showing signs for "School of Mathematics" and "Dance Fever Studio"
  - Plan showing sign for "qaSignature" and future tenant panels
  - Schematic showing location of two freestanding signs
- Letter dated August 16, 2006 and enclosed materials from Stephen Buchbinder, representing applicant.
- Letter dated June 14, 2006 from Harold R. Lewis, Architect.
- Letter dated September 6, 2006 from Joseph R. Porter, PLS, VTP Associates, Inc.

#### Related information

- Board Order #276-68(3) - Deed Restriction/Option Agreement.
- Board Order #734-72 – Amendment to Deed Restriction.
- Board Order #188-79 – Special Permit authorizing initial development of 200 Wells Ave.
- Board Order #38-03 – Special Permit authorizing for profit gymnastics school at 88 Wells Ave.
- Board Order #38-03(2) – Special Permit authorizing waivers to Deed Restriction at 88 Wells Ave. only re: for profit gymnastics academy and freestanding sign exceeding 12 sq. ft.

**MEMORANDUM**

To: Land Use Committee of the Board of Aldermen

From: Lelu Merc Planning Horizons

Re: 200 Wells Avenue/Russian School of Mathematics and Dance Fever

Date: September 8, 2006

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On behalf of the petitioners for these land use petitions I am submitting supporting graphs and materials regarding the proposed scheduling of classes and parking availability at 200 Wells Avenue.

The site would be converted to a combination of office and educational use with the Russian School of Mathematics ("RSM") and Dance Fever occupying space after 3:30 PM on weekdays and throughout the day on weekends.

Our main objectives were to demonstrate that the scheduling of the RSM and Dance Fever classes would not result in conflicts at drop-off and pick-up times and that actual use of the parking lot would not reach or exceed the overall capacity of 62 parking spaces.

A critical consideration is the anticipated decreased use of the site by the office use after 5:00 PM on weekdays, allowing early evening parking by both RSM and Dance Fever.

There are two parking areas at the site. We have proposed that the smaller fourteen (14) space parking area (Parking Lot B on the site plan) be earmarked for use by RSM on weekdays prior to 6PM. Four (4) of the fourteen (14) parking spaces in Parking Lot B will be reserved for staff parking. Office parking and parking for Dance Fever will be adequately supplied in the larger parking area (Parking Lot A on the site plan) which has forty-eight (48) parking spaces. There is a separate entrance to each parking area.

Two sets of graphs are attached. The first set of six (6) graphs illustrates drop-offs and pick-ups (by number of students) from 3:30 PM to closing on weekdays and all day on Saturday/Sunday. Classes have been scheduled to either begin or end at least fifteen (15) minutes apart up to 6:00 PM in order to minimize the number of cars entering and exiting the site at any one time.

The second set of six (6) graphs depict the parking lot occupancy in relation to projected on-site parking on weekdays and on Saturday/Sunday. There is projected to be an available surplus of parking spaces even during the peak periods during the week due to the scheduling of the RSM classes. The Dance Fever classes, with fewer students, have less impact.

I trust that you will find this information useful in your consideration of these petitions and I will be happy to answer any questions which you may have about this aspect of the proposal.



## Proposed Class Schedule- Russian School of Mathematics (RSM) and Dance Fever

2006-2007 Academic year. Monday-Saturday Schedule.

### Russian School of Mathematics

(Number of daily classes and length of classes consistent with 2005-2006 academic year.)

- Monday: 12 classes total, 3 are 60 minutes, 2 are 90 minutes, 4 are 120 minutes and 3 are 150 minutes (2.5 hours.)
- Tuesday: 12 classes total, 2 are 90 minutes, 8 are 120 minutes and 2 are 150 minutes.
- Wednesday: 12 classes total, 3 are 90 minutes, 8 are 120 minutes and 1 is 150 minutes.
- Thursday: 10 classes total, 1 is 60 minutes, 6 are 120 minutes and 3 are 150 minutes.
- Friday: 4 classes total, 2 are 90 minutes and 2 are 150 minutes.
- Saturday: 25 classes total, 3 are 60 minutes, 4 are 90 minutes, 13 are 120 minutes, 2 are 150 minutes and 3 are 4 hours in length.

Monday	Tuesday	Wednesday	Thursday	Friday
3:30-5:30	3:30-5:30		3:30-5:30	3:30-5:00
3:45-6:15	3:45-5:45		3:45-5:45	3:45-5:45
4:00-6:00	4:00-6:30	4:15-6:15	4:00-5:00	4:00-5:30
4:15-4:45	4:15-6:15	4:30-7:30	4:15-6:45	4:15-6:15
4:30-7:00	4:30-6:30		4:30-6:30	
	4:45-6:45		4:45-7:15	
5:00-6:30	5:00-7:30		6:15-8:15	
6:15-7:45	6:15-7:45		6:30-9:00	
6:30-7:30	6:30-8:30	6:30-8:30	6:45-8:45	
6:45-8:45	7:00-9:00	6:45-8:45	7:00-9:00	
6:45-8:45	7:15-8:45	7:00-9:00		
7:30-8:30	7:15-9:15	7:15-9:15		
Saturday				
9:00-10:00	11:30-1:00	12:45-1:45	2:30-5:00	
9:00-11:00	11:30-1:30	1:15-3:15		
9:00-11:00	11:45-3:45	1:45-3:45		
9:15-10:45	12:00-2:00	2:00-4:00		
9:15-11:15	12:15-2:15	2:30-4:30		
9:15-11:15	12:15-2:15	2:45-4:15		
9:30-11:30	12:30-3:00	3:15-4:15		
9:30-1:30	12:30-4:30	3:15-4:45		

## Proposed Schedule: Dance Fever 2006-2007

(Number of students refers to existing classes, June 2006)

Monday			
Age	Level	Time	# of Students
7-12	Adv.	6:00-7:30	12
12-14	Beg.	6:00-7:00	10
14-16	Adv.	7:00-8:30	8
12-14	Beg.	7:00-8:00	8
12-14	Adv.	7:30-9:00	10

*perk  
6-7:30  
2*

Tuesday			
Age	Level	Time	# of Students
5-6		6:00-7:00	10
7-8		7:00-8:00	10
10-13	Adv.	7:30-8:30	10
9-12	Adv.	6:00-7:30	10
9-12		7:30-8:30	10
13 & up	Adv.	8:30-10:00	12
13 & up	Beg.	8:30-10:00	12

Wednesday			
Age	Level	Time - —	# of Students
4		5:15-6:00	4
7-9	Beg.	6:00-7:00	10
9-12	Adv.	6:00-7:30	8
9-12	Beg.	•:00-8:00	8
12-14	Adv.	7:30-9:00	10

Thursday			
Age	Level	Time	# of Students
5-6		6:00-7:00	10
7-8		7:00-8:00	10
10-13	Adv.	7:30-8:30	10
9-12	Adv.	6:00-7:30	10
9-12		7:30-8:30	10
13 & up	Adv.	8:30-10:00	12
13 & up	Beg.	8:30-10:00	12

Friday			
Age	Level	Time	# of Students
6-7		6:00-7:00	10
6-7	Adv.	6:00-7:30	10
9-12	Adv.	6:00-7:30	10
12-14	Beg.	7:00-8:00	8
12-14	Adv.	7:30-9:00	10

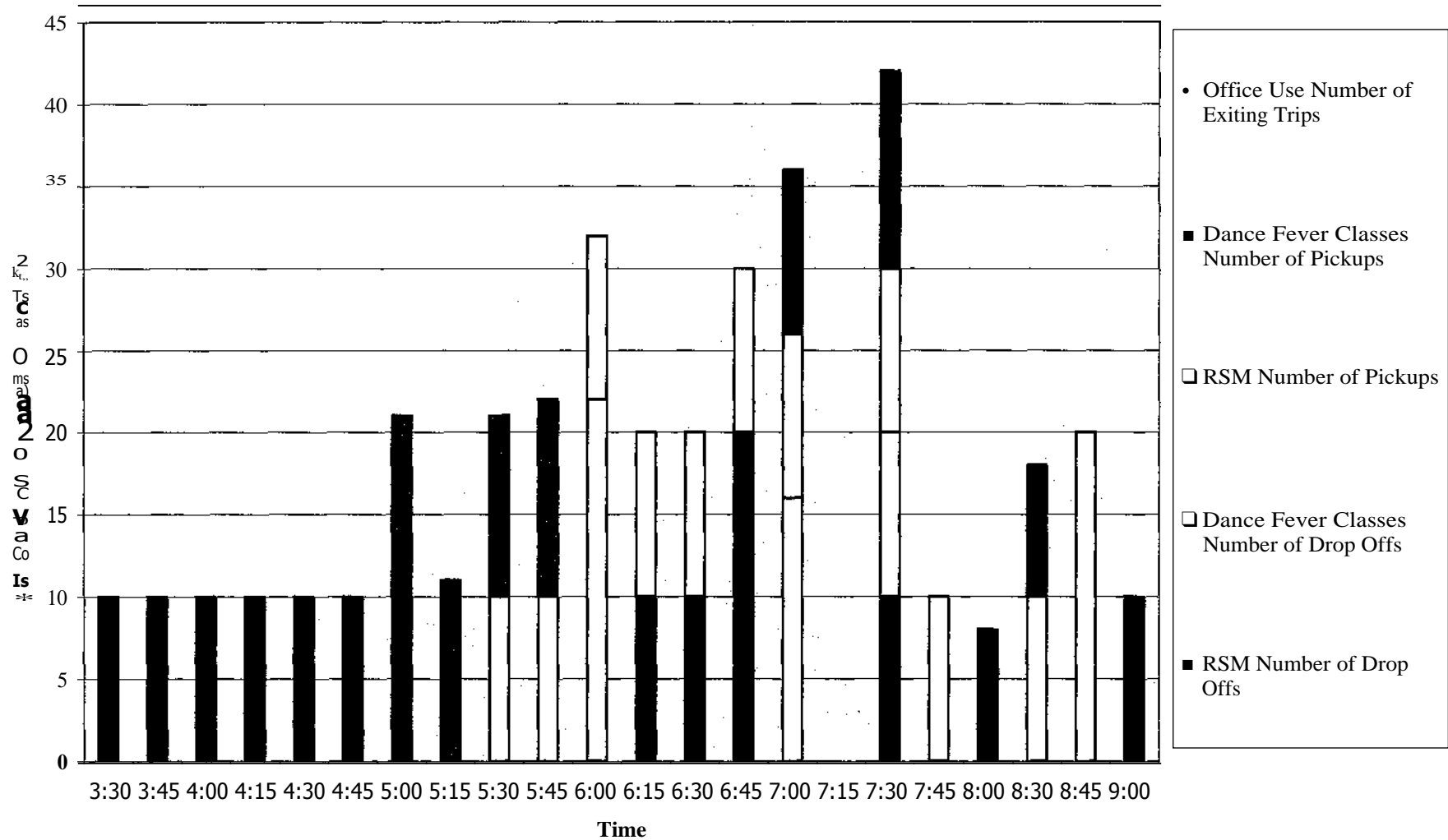
*perk  
6-7:30  
2 classes  
3:00-4:00*

### **Proposed Schedule: Dance Fever 2006-2007**

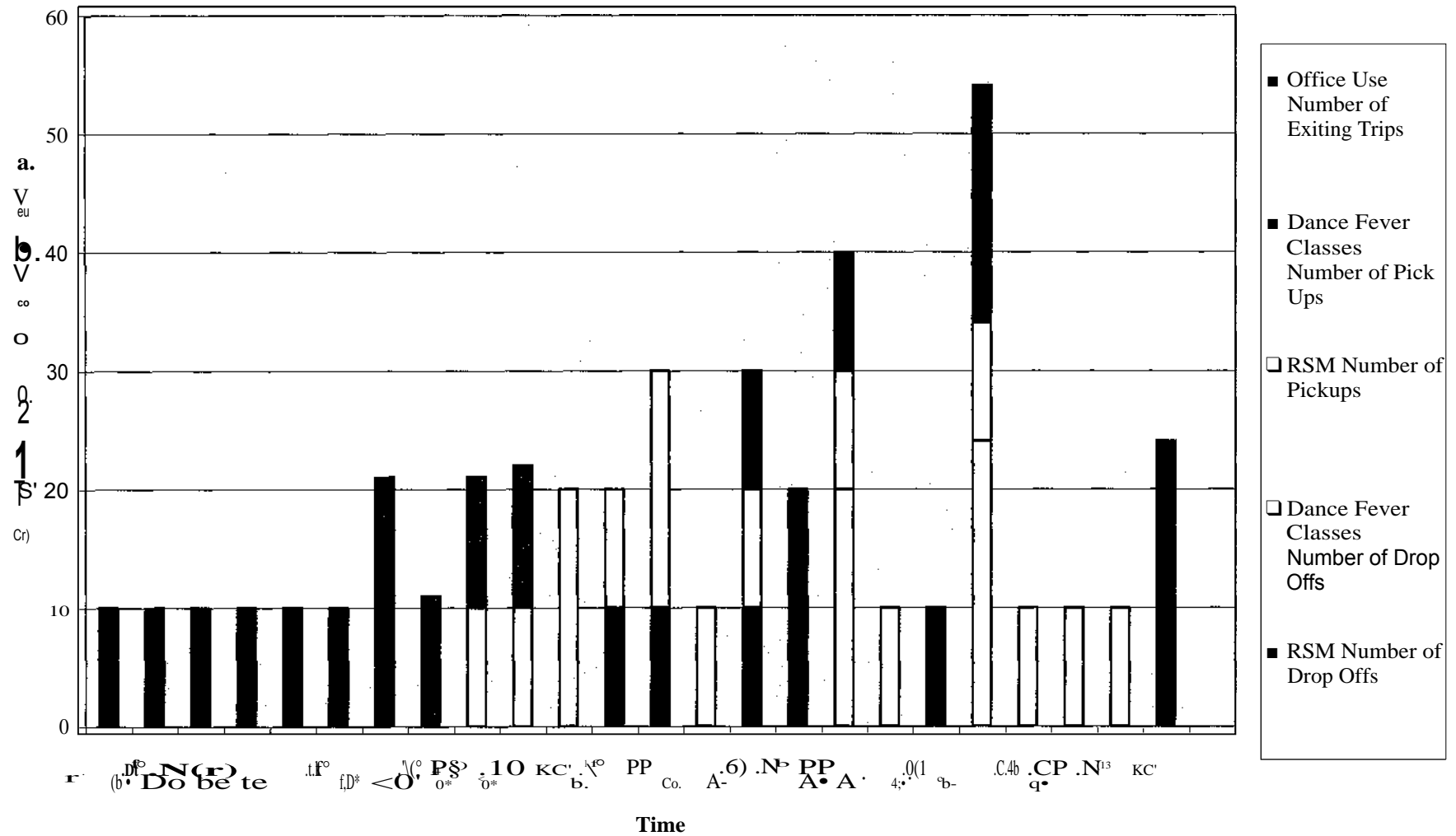
(Number of students refers to existing classes, June 2006)

Saturday			
Age	Level	Time	# of Students
5-6		10:00-10:45	10
6-7	Adv.	10:15-11:15	10
7-9		10:45-11:45	10
8-10	Adv.	11:00-12:00	10
4		11:45-12:30	8
13 & up		12:00-1:00	10
13 & up		1:00-2:00	10
9-12	Adv.	1:30-3:00	10
10-12		1:45-2:45	10

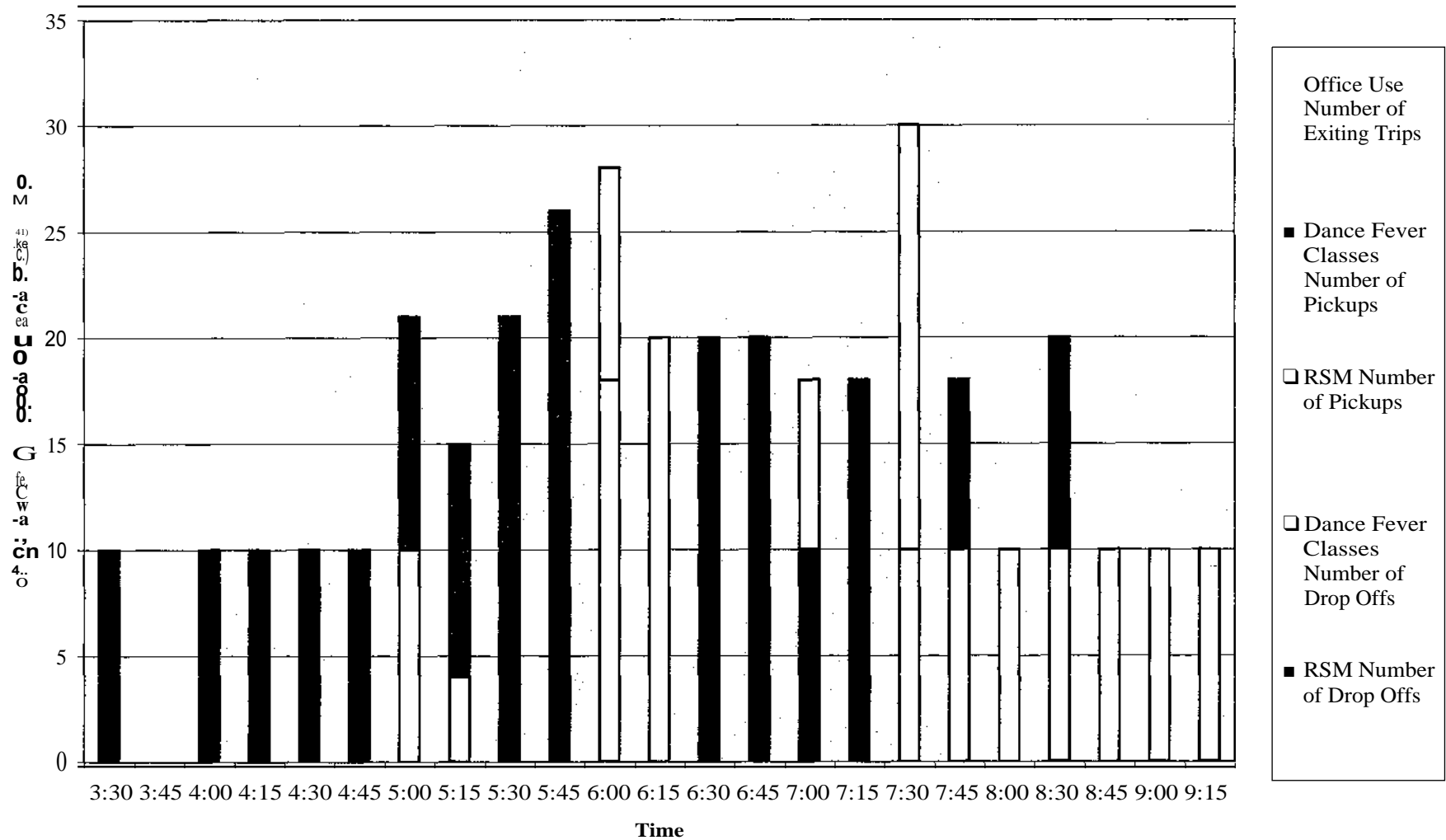
**Proposed Monday Schedule. 2006-2007 School Year Russian School of Mathematics (RSM)  
and Dance Fever (Combined.) Proposed 9/06**



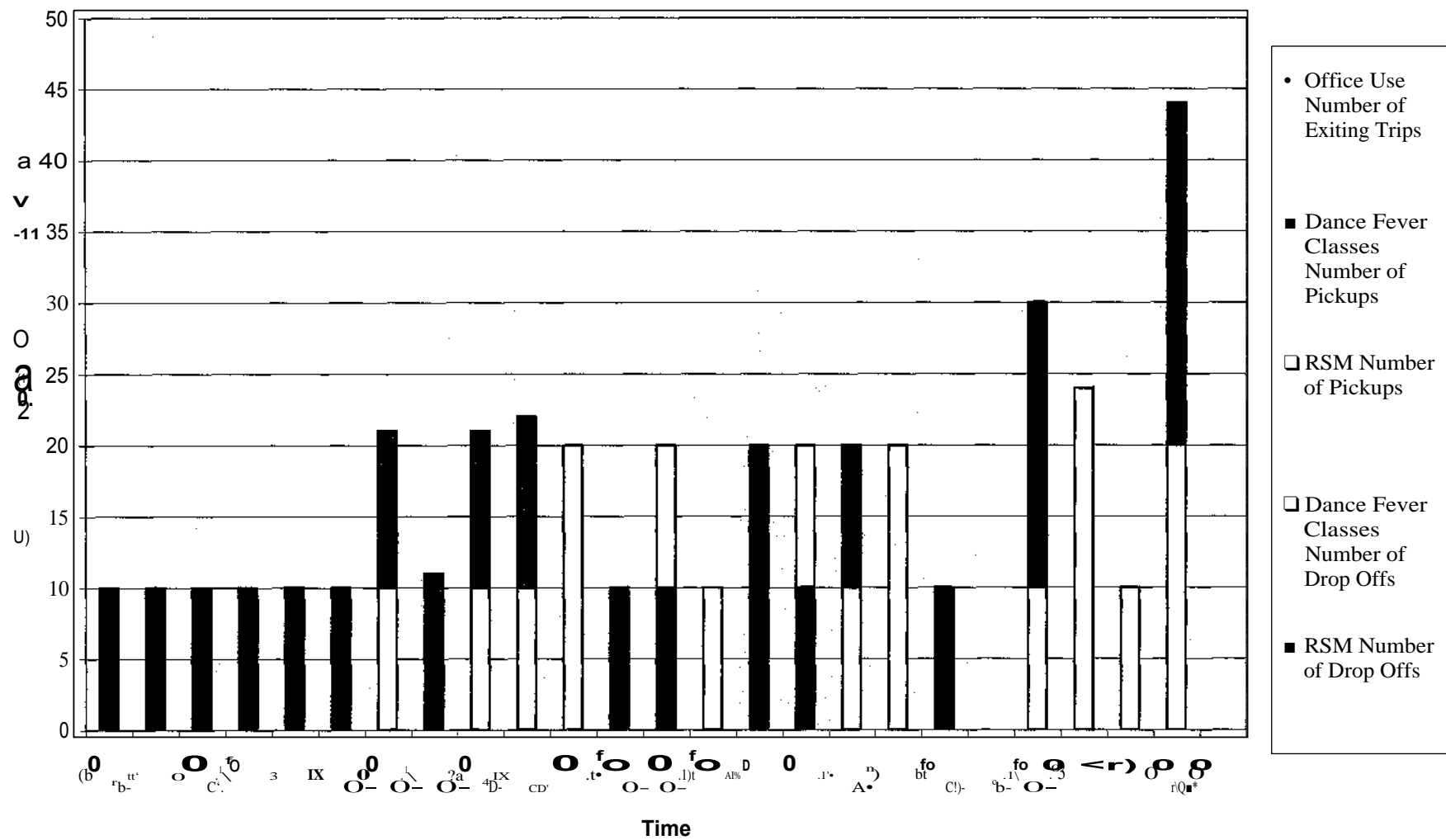
**Proposed Tuesday Schedule. 2006-2007 School Year Russian School of Mathematics (RSM)  
and Dance Fever (Combined.) Proposed 9/06**



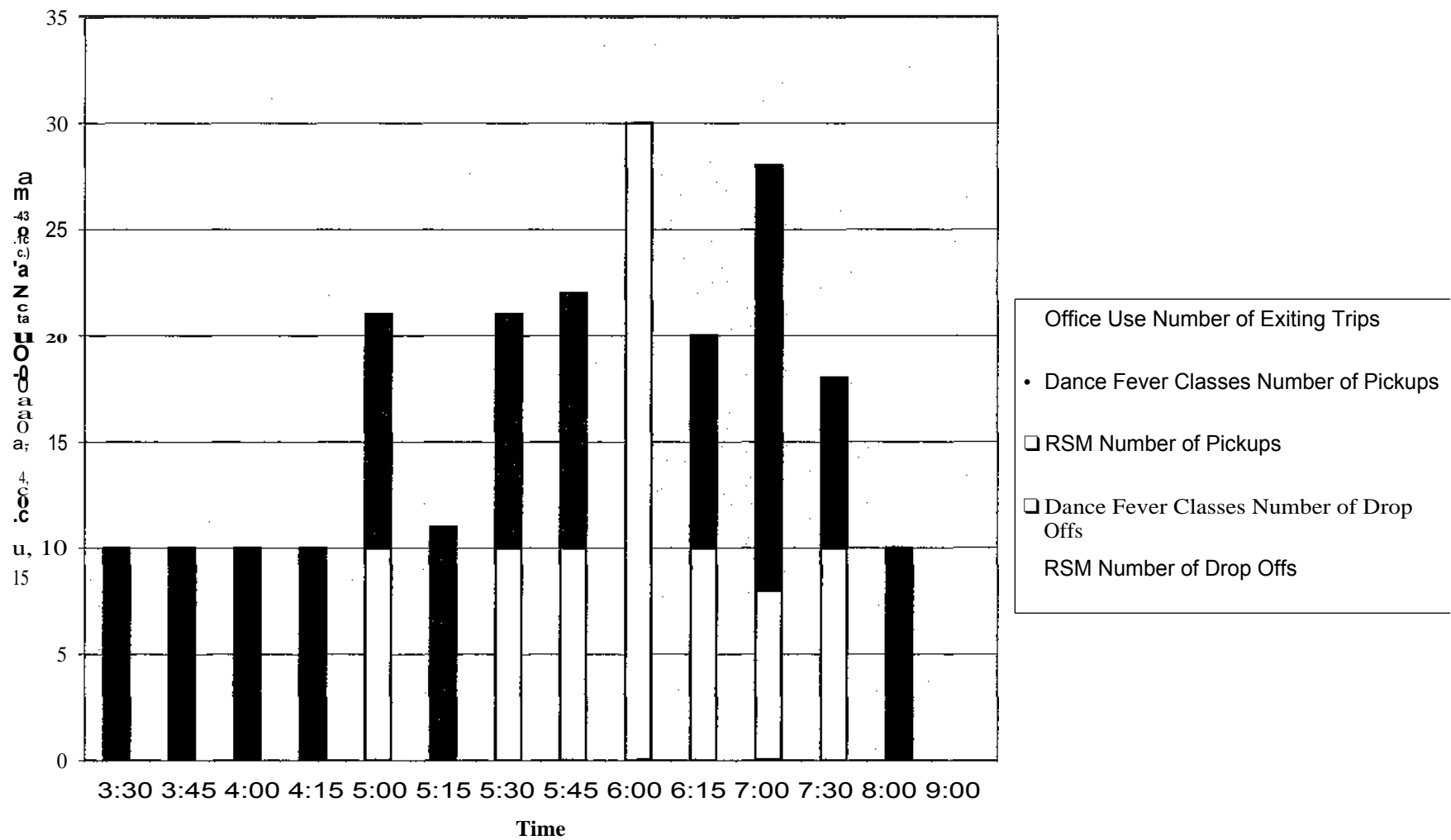
**Proposed Wednesday Schedule. 2006-2007 School Year Russian School of Mathematics  
(RSM) and Dance Fever (Combined.) Proposed 9/06**



**Proposed Thursday Schedule. 2006-2007 School Year Russian School of Mathematics (RSM)  
and Dance Fever (Combined.) Proposed 9/06**

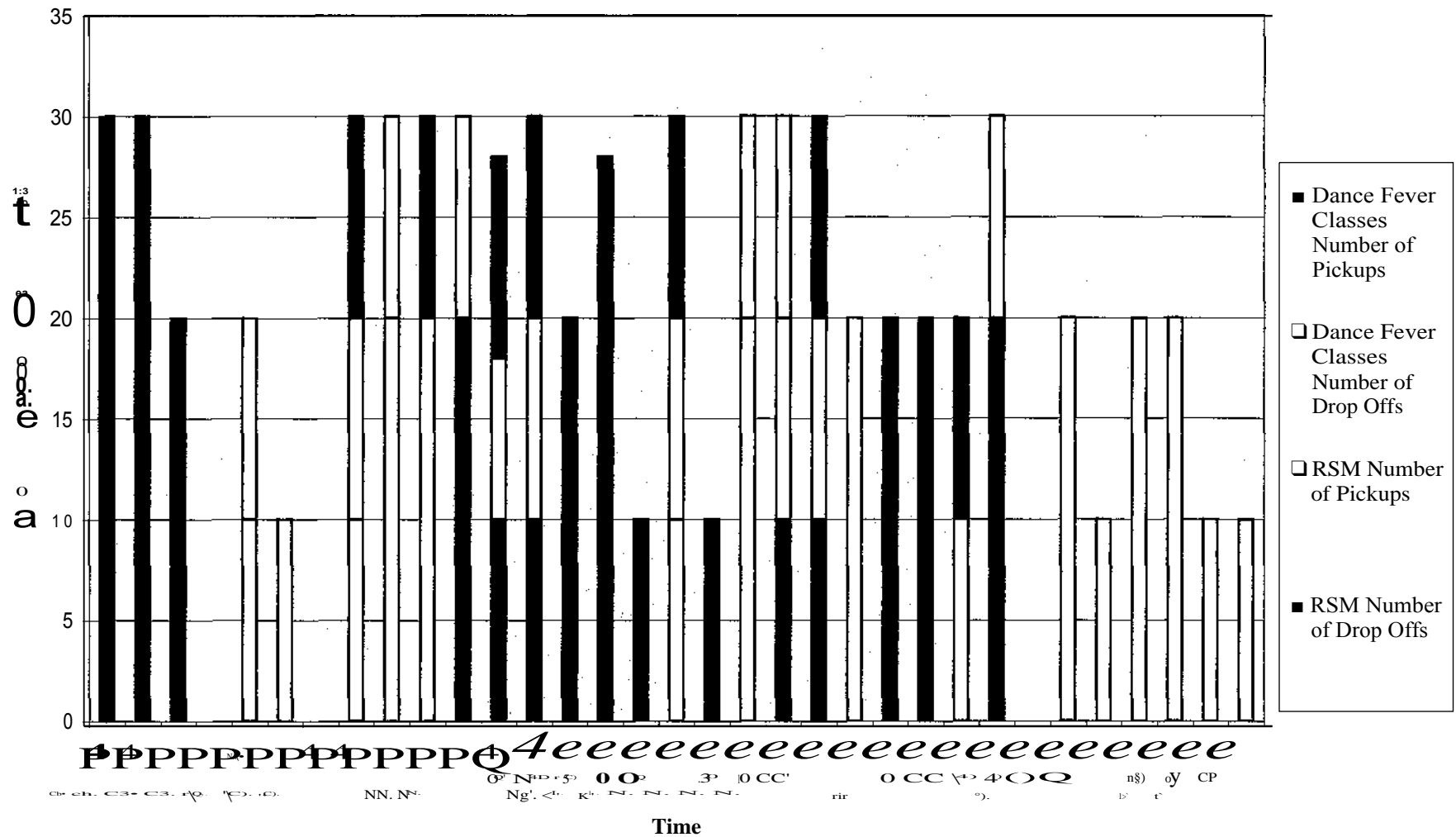


**Proposed Friday Schedule. 2006-2007 School Year Russian School of Mathematics (RSM)  
and Dance Fever (Combined.) Proposed 9/06**

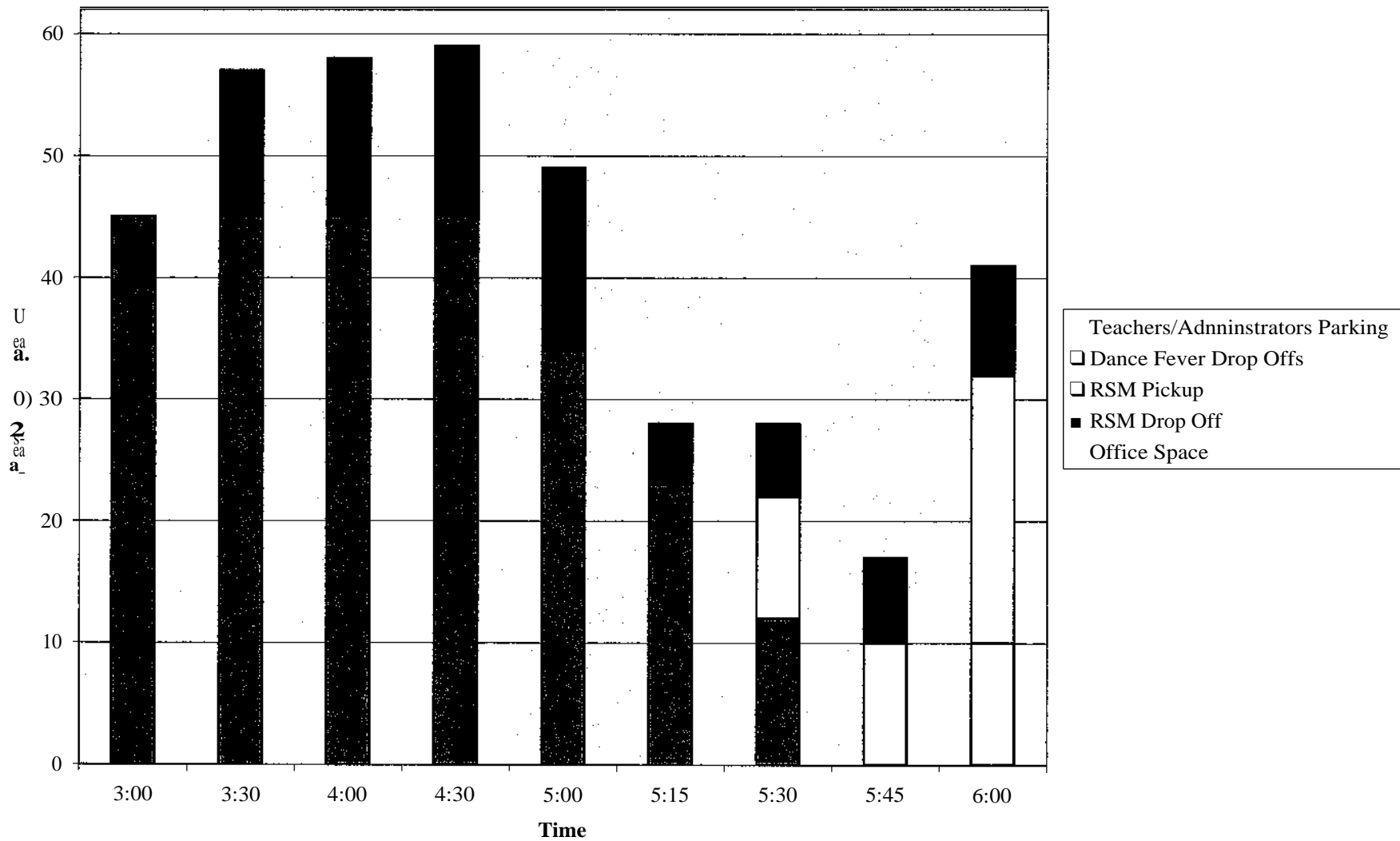




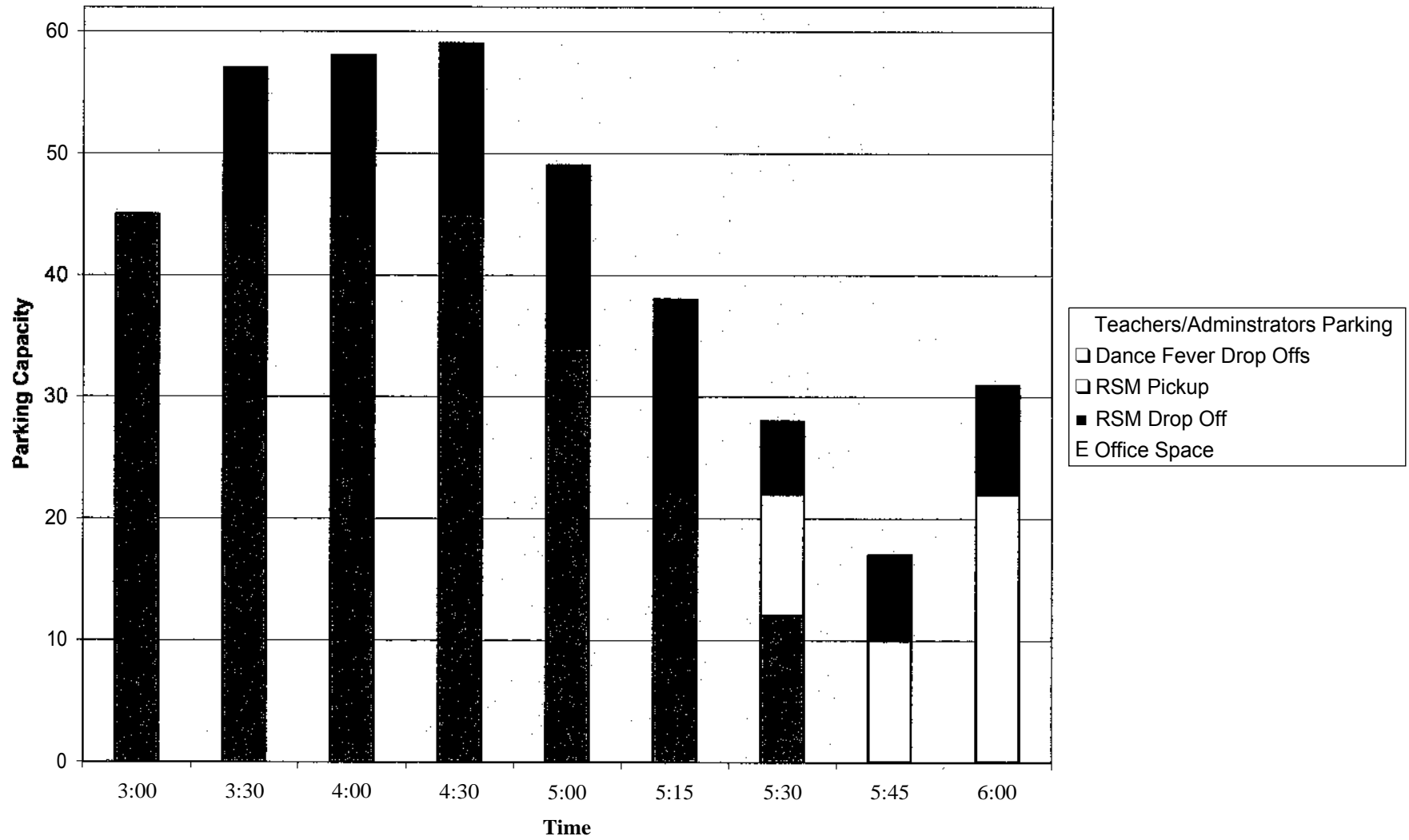
**Proposed Saturday/Schedule. 2006-2007 School Year Russian School of Mathematics (RSM) and Dance Fever( Combined.) Proposed 9/06**



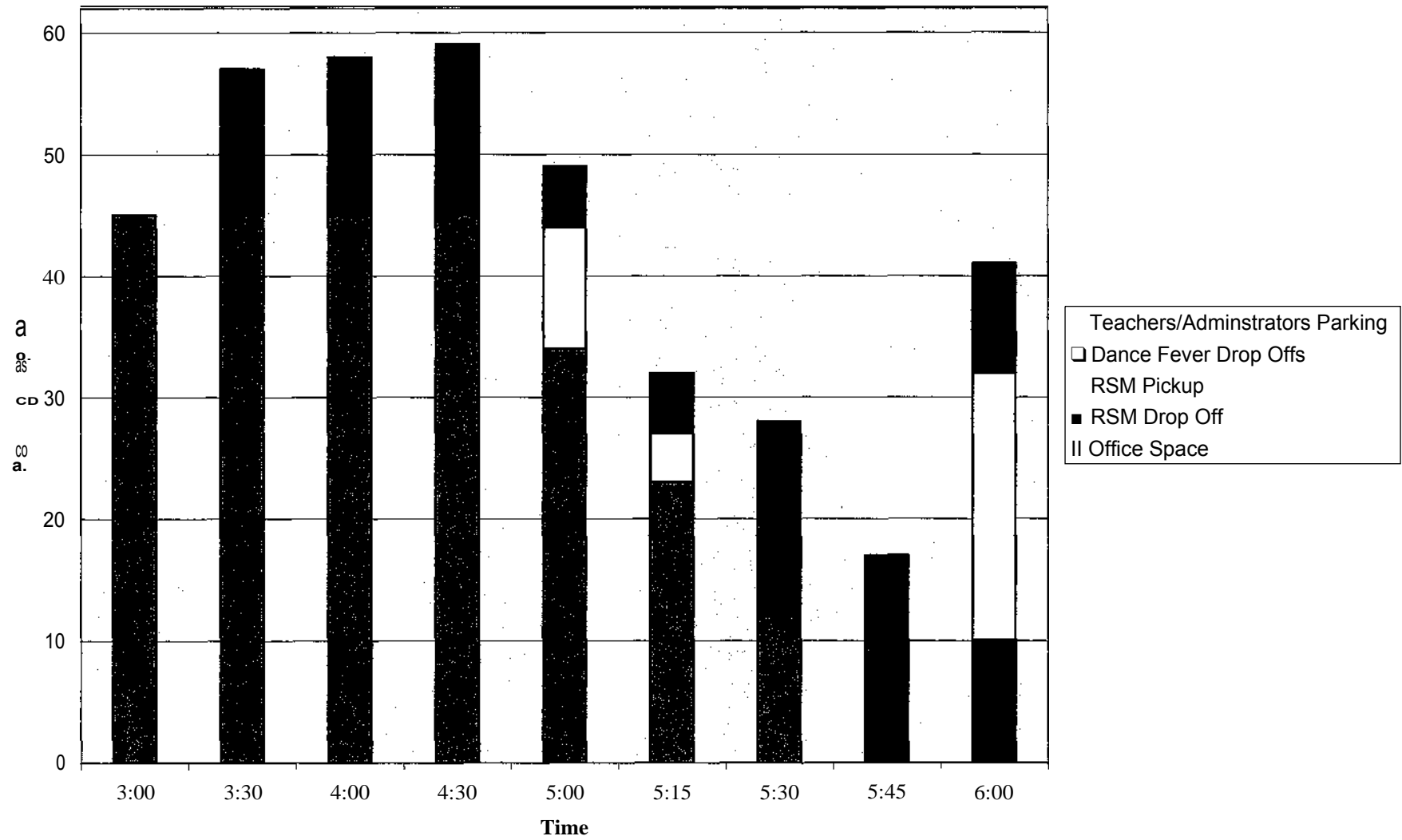
Proposed 2006-2007 Monday Parking lot Occupancy by use 3:30-6:00



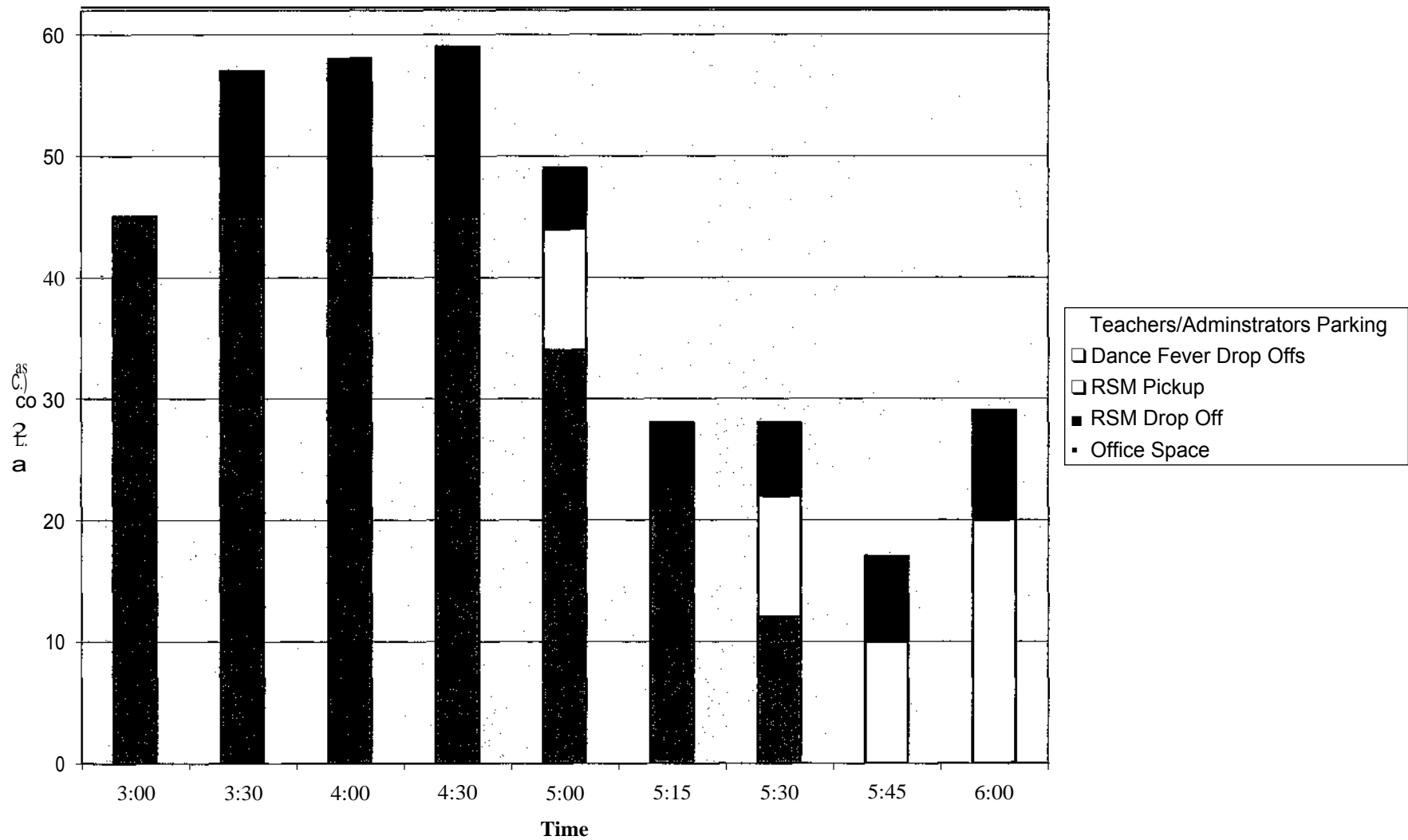
### Proposed 2006-2007 Tuesday Parking lot Occupancy by use 3:30-6:00



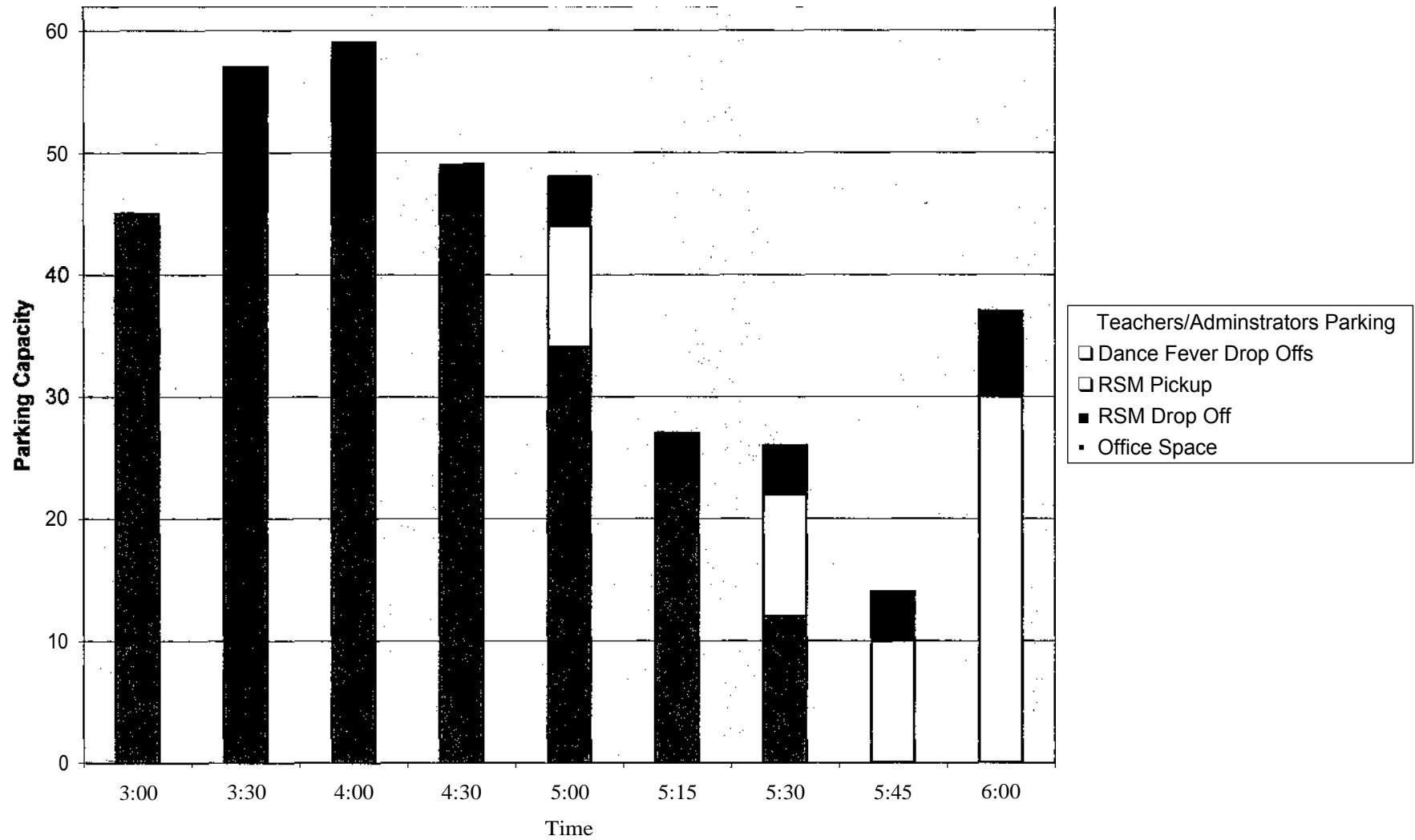
**Proposed 2006-2007 Wednesday Parking lot Occupancy by use 3:30-6:00**



**Proposed 2006-2007 Thursday Parking lot Occupancy by use 3:30-6:00**



Proposed 2006-2007 Friday Parking lot Occupancy by use 3:30-6:00



# Proposed 2006-2007 Saturday Parking Lot Occupancy by Use 9:00-5:00

